

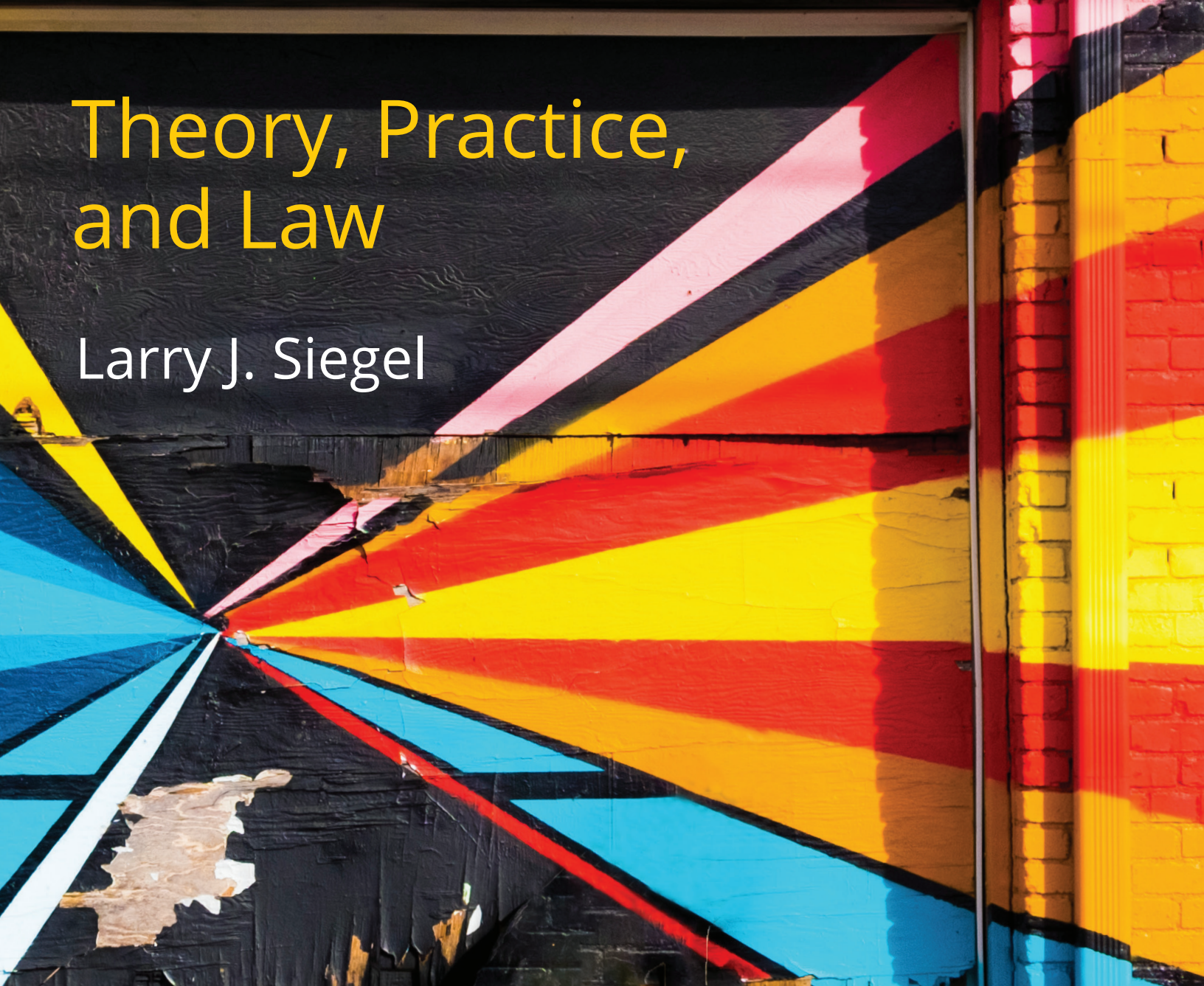
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# Juvenile Delinquency

Theory, Practice,  
and Law

Larry J. Siegel



# Juvenile Delinquency

Theory, Practice, and Law

Fourteenth Edition

**Larry J. Siegel**

University of Massachusetts, Lowell





***Juvenile Delinquency: Theory, Practice,  
and Law, Fourteenth Edition***  
**Larry J. Siegel**

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## Dedication

*To my wife, Therese J. Libby, my children, Julie, Andrew, Eric, and Rachel, my grandchildren, Jack, Kayla, Brooke, and Elliot, and my sons-in-law, Jason Macy and Patrick Stephens.*

**—L.J.S.**



# About the Author



## Larry J. Siegel

---

Larry J. Siegel was born in the Bronx, New York. While living on Jerome Avenue and attending City College of New York in the 1960s, he was swept up in the social and political currents of the time. He became intrigued with the influence contemporary culture had on an individual's behavior. Did people shape society, or did society shape people? He applied his interest in social forces and human behavior to the study of crime and justice. After graduating from CCNY, he attended the newly opened program in criminal justice at the State University of New York at Albany, earning both his MA and PhD degrees there. After completing his graduate work, Dr. Siegel spent nine years at Northeastern University and also held teaching positions at the University of Nebraska–Omaha and Saint Anselm College in New Hampshire before joining the faculty at the University of Massachusetts–Lowell, where he now serves as Professor Emeritus. Dr. Siegel has written extensively in the area of crime and justice, including books on juvenile law, delinquency, criminology, criminal justice, private security, the court system, and criminal procedure. He is a court-certified expert on police conduct and has testified in numerous legal cases. He is currently working on a book covering policing in the United States (along with colleagues Lorenzo Boyd and Melissa Morabito). The father and grandfather of four, Larry and his wife, Terry, now live in Naples, Florida, with their dog, Sophie.



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# Preface

## Juvenile Delinquency: Theory, Practice, and Law

Two years ago, a teenaged girl named Pressly (not her real name) was contacted via a popular messaging app by another teenage girl who called herself KC. Their online conversations started out as a friendly exchange, with occasional messages to each other and pictures of their outfits. Eventually, Pressly sent a mildly revealing photo to KC, who it turns out was actually an adult man named Justin Richard Testani. He soon began threatening Pressly, telling her he would share the photo online and spread rumors about her to friends and family if she didn't do what he asked. The demands and threats quickly escalated. Over a video call, Testani pressured his young victim, claiming that he would rape and kill her and her loved ones if she didn't perform the increasingly graphic and extreme acts he demanded.

To keep his control over Pressly, Testani used details he'd gathered from their conversations and information she'd posted online to make his threats specific and terrifying. He told her, "I know where your mom works. If you don't do what I'm telling you to do, I'll go kill her." He claimed that he knew where she lived, where she went to school, and who her friends were. Testani wanted to take over one of her social media accounts so he could use it to deceive and exploit another group of young girls. He demanded that she create a new account for herself. Now truly terrified, Pressly finally told her parents what was going on, and they immediately contacted the police.

The investigation showed that Testani was a habitual predator, routinely catfishing young girls to gain login information for other victims' social media accounts. Posing as a teenager who modeled for a prominent lingerie brand, Testani contacted multiple young girls (usually between the ages of 10 and 13) through Instagram and Snapchat. Testani threatened to kidnap, rape, and/or kill his other victims and to harm their family members. The investigation revealed that Testani had reached out to hundreds of young girls across the United States.

Found guilty at trial, Testani received a 60-year prison sentence. While to some that may seem excessive for a nonviolent crime, the court reasoned that the length of Testani's sentence reflected the number of children he hurt, the extreme nature of his crimes, and the devastating effects this type of sexual violence has on his young victims, some of whom were being treated for depression and anxiety. After all, the fact that they never met Testani in person and never even saw his face only amplified their fear. He could be anywhere, watching them at any time.<sup>1</sup>

Unfortunately, the Testani case is not unique, and there have been many instances of catfishing predators. Another highly publicized case in 2022 involved Austin Lee Edwards, 28, a former trooper with the Virginia State Police. Edwards portrayed himself online as a 17-year-old and began to correspond with a young girl who lived in Riverside, California. Edwards then traveled from Virginia to Riverside, abducted his victim, killed her mother and grandparents, and set their home on fire before being killed in a shootout with police.<sup>2</sup>

As these cases illustrate, young people face many challenges today, avoiding online predators being only one of many hurdles they must overcome. All too many teens experience poverty, substance abuse, and lack of educational opportunity. While most can cope, others fall prey to the lure of the streets and join gangs, and others engage in theft, violence, and drug abuse. Highly publicized accounts of mass shootings and other violent crimes committed by teens has become routine. Teen gangs can be found in most major cities. Hundreds of thousands of youths are known to be the victims of serious neglect and sexual and physical abuse each year; many more cases may be unreported or hidden. It is not surprising, considering the concern the public has with the problems of youth, that courses on juvenile delinquency and juvenile justice have become popular offerings on the nation's college campuses. Consequently, *Juvenile Delinquency: Theory, Practice, and Law* was written to help students better understand such issues as:

<sup>1</sup> FBI, Sextortion, Case Highlights Growing Online Crime with Devastating Real-Life Consequences, Nov. 10, 2020.

<https://www.fbi.gov/news/stories/sextortion-case-highlights-growing-online-crime-111020>

<sup>2</sup> "Sextortion" drove an ex-Virginia trooper's catfishing of a teenage girl and killing of her mother and grandparents in Southern California last week, police said Wednesday.

<https://www.nbcnews.com/news/us-news/ex-virginia-trooper-posed-teen-sextortion-catfishing-girl-whose-family-rcna59431>



- The challenges faced by youth in both the United States and abroad, ranging from online predators to lack of educational opportunities
- The nature and extent of juvenile delinquency, where, when, and how often it occurs, and who is responsible for most juvenile crime
- The causes and correlates of youthful misbehavior
- The current strategies being used to control or eliminate its occurrence
- The way the juvenile justice system works, including how police, court, and correctional agencies treat juvenile offenders
- The legal rights of minors, including rules that have been set down either to protect innocent minors or control adolescent misconduct

To better achieve the goals of this edition, we followed a few principles:

- To be as objective as possible, presenting the many diverse views and perspectives that characterize the study of juvenile delinquency and reflect its interdisciplinary nature. No single position, viewpoint, or philosophy has been taken, advocated, or espoused.
- To maintain a balance of research, theory, law, policy, and practice.
- To make the study of delinquency interesting as well as informative. We want to encourage readers' interest in the study of delinquency so they will pursue it on an undergraduate or graduate level. The book aims to be being both scholarly and informative, comprehensive yet interesting, and well organized and objective yet provocative.

## Organization of the Text

The 14th edition of *Juvenile Delinquency: Theory, Practice, and Law* has 15 chapters:

- **Chapter 1, Childhood and Delinquency**, contains extensive material on both the problems youth in modern society face as well as material on the development of the legal concept of delinquency and status offending. It shows how the concept of adolescence evolved over time and how that evolution influenced the development of the juvenile court and the special status of delinquency.
- **Chapter 2, The Nature and Extent of Delinquency**, covers the measurement of delinquent behavior and the trends and patterns in teen crime and victimization. It also discusses the correlates of delinquency, including race, gender, class, and age, and chronic offending.
- **Chapter 3, Individual-Level Views of Delinquency**, covers individual-level views of the cause of delinquency, which include choice, biological, and psychological theories.
- **Chapter 4, Structure, Process, Culture, and Delinquency**, looks at theories that hold that culture and socialization control delinquent behavior.
- **Chapter 5, Social Reaction, Social Conflict, and Delinquency**, reviews theories that state that delinquency is a product of human interaction as well as the economic and political forces that control the way people interact.
- **Chapter 6, Developmental Theories of Delinquency: Life-Course, Propensity, and Trajectory**, covers developmental theories of delinquency, including such issues as the onset, continuity, paths, and termination of a delinquent career.
- **Chapter 7, Gender and Delinquency**, explores the sex-based differences that are thought to account for the gender patterns in the delinquency rate.
- **Chapter 8, The Family and Delinquency**, covers the influence of families on children and delinquency. The concept of child abuse is covered in detail, and the steps in the child protection system are reviewed.
- **Chapter 9, Peers and Delinquency: Gangs, Groups, and Cliques**, reviews the effect peers have on delinquency and the topic of teen gangs.
- **Chapter 10, Schools and Delinquency**, looks at the influence of schools and the education process, delinquency within the school setting, and the efforts schools make to prevent delinquency.
- **Chapter 11, Drug Use and Delinquency**, reviews the influence drugs and substance abuse have on delinquent behavior and what is being done to reduce teenage drug use.
- **Chapter 12, Juvenile Justice: Then and Now**, gives extensive coverage to the emergence of state control over children in need and the development of the juvenile justice system. It also covers the contemporary juvenile justice system, the major stages in the justice process, the role of the government in the juvenile justice system, an analysis of the differences between the adult and juvenile justice systems, and extensive coverage of the legal rights of children.
- **Chapter 13, Police Work with Juveniles**, discusses the role of police in delinquency prevention. It covers legal issues such as major court decisions on searches and *Miranda* rights of juveniles. It also contains material on how race and gender affect police discretion as well as efforts police departments make to control delinquent behavior.

- **Chapter 14, Juvenile Court Process: Pretrial, Trial, and Sentencing**, contains information on plea bargaining in juvenile court, the use of detention, and transfers to adult jails. It contains an analysis of the critical factors that influence the waiver decision, the juvenile trial, and sentencing.
- **Chapter 15, Juvenile Corrections: Probation, Community Treatment, and Institutionalization**, covers material on probation and other community dispositions, including secure juvenile corrections, with emphasis on issues such as treatment modalities.

## What's New in This Edition

Because the study of juvenile delinquency is a dynamic, ever-changing field of scientific inquiry, and because the theories, concepts, and processes of this area of study are constantly evolving, *Juvenile Delinquency: Theory, Practice, and Law* has been updated to reflect the changes in the study of delinquent behavior during recent years. In every chapter, the book presents examples of the latest research on delinquency, data on trends and patterns, and up-to-date reviews of recent legal cases and policy initiatives. Take for instance Chapter 1's discussion of how children are influenced by outside events. There is discussion of trends in the youth population: by the year 2050, fewer than 40 percent of children 15 and under will be white, while children of color will make up more than 60 percent of the youth population. Another topic discussed in the chapter is economic instability: Of the 75 million people under age 18 in the United States, more than 16 percent, or 12 million children, now live in poverty.

Throughout the book, you'll find discussions of high-profile current issues such as mass shootings in schools (Chapter 10), how the Covid pandemic affected child abuse (Chapter 8), the sex abuse crimes of Ghislaine Maxwell and Jeffrey Epstein (Chapter 8), how the synthetic opioid (Fentanyl) epidemic has affected youth (Chapter 11), and many other topics that keep the book on the cutting edge of the discipline.

## Format and Feature Changes

This edition contains 15 chapters instead of 17, a format that is better suited for the typical college semester. Information from the deleted chapters has been integrated throughout the book in two new boxed features:

- **Treating Delinquency.** This feature discusses new and improved programs and methods designed to reduce or eliminate delinquent behavior, including such innovative projects as the popular restorative justice initiative "Family Group Conferencing (FGC)" and the Keepin It REAL program that has replaced

the traditional D.A.R.E. school-based anti-drug program. In Chapter 9, the Newport News STEP Program, which encourages local businesses to work toward building stronger communities in gang-impacted areas by providing employment experiences for youth who are at risk for gang involvement, is featured. In Chapter 3, a Treating Delinquency feature reviews therapeutic approaches designed to help sexually abused children, while another in Chapter 6 covers the Fast Track program that takes a biological and ecological approach to addressing these childhood risk factors for conduct problems.

- **International Delinquency.** This feature looks at the nature of delinquency across the globe, as well as how delinquent behavior is treated in other nations. Take, for instance, the feature in Chapter 12, Juvenile Justice Systems Across Countries; another in Chapter 13 reviews juvenile police units abroad. There is discussion of gang violence in Japan in Chapter 9. In Chapter 3, an International Delinquency feature reviews a research study conducted in New Zealand that looked at the effects of childhood lead ingestion on brain structure in adulthood.

In addition to these new features, two holdovers from past editions have been updated and revised:

- **Focus on Delinquency.** This feature covers controversial issues and exciting new research. Take, for instance, the feature in Chapter 2 that looks at COVID-19 and how it has changed crime and delinquency rate trajectories. One change: The downward trend in violence has been reversed, and more people were murdered after COVID struck than in any other year in the past two decades.
- **Professional Spotlight.** This feature provides students with a look at career opportunities available in the areas of delinquency treatment, prevention, and intervention. For example, Chapter 15 spotlights Suki Chen, Residential Counselor at a private institution for girls in need.

## Learning Tools

The text contains the following features designed to help students learn and comprehend the material:

- **Chapter Outline and Learning Objectives.** Each chapter begins with an outline and a list of chapter objectives. The summary is keyed to and corresponds with the chapter objectives.
- **Opening Vignette.** Each chapter begins with a hypothetical situation that relates to the chapter and represents the type of decision-making event that people in the field of juvenile delinquency and justice encounter each day. The focus is on how

at-risk youth work their way out of delinquency with the help of various treatment personnel, including police, teachers, social workers, and counselors. Critical-thinking questions then tie these real-life stories back to the chapter material. The critical-thinking questions enhance the relevance of the text material and better prepare students for the types of challenges they may face if they pursue a career in the juvenile justice system.

- **Viewpoint and Doing Research on the Web.** Each chapter ends with a feature called “Viewpoint” that presents a hypothetical case for the student to analyze. The “Doing Research on the Web” feature presents material found in articles on the web to lead students to research ideas contained in the chapter.
- **Key Terms.** Key terms are defined throughout the text when they appear in a chapter.
- **Questions for Discussion.** Each chapter includes thought-provoking discussion questions.
- **Running Glossary.** A glossary sets out and defines key terms used in the text. The definitions appear in the text margin where the concept is introduced, as well as in the comprehensive glossary at the end of the book.

## Supplements

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### MindTap

The most applied learning experience available, MindTap is dedicated to preparing students to make the kinds of reasoned decisions they will have to make as criminal justice professionals faced with real-world challenges. Available for virtually every Criminal Justice course, MindTap offers customizable content, course analytics, an e-reader, and more—all within your current learning-management system. With its rich array of assets—video cases, decision-making scenarios, quizzes, and other study tools—MindTap is perfectly suited to today’s Criminal Justice students, engaging them, guiding them toward mastery of basic concepts, and advancing their critical thinking abilities.

Learn more about MindTap at: <http://www.cengage.com/mindtap>

### Ancillary Package

Additional instructor resources for this product are available online. Instructor assets include an Instructor’s Manual, Educator’s Guide, PowerPoint® slides, and a test bank powered by Cognero®. Sign up or sign in at <http://faculty.cengage.com> to search for and access this product and its online resources.

### Online Instructor’s Manual

The manual includes learning objectives, key terms, a detailed chapter outline, student activities, and media tools. The learning objectives are correlated with the discussion topics, student activities, and media tools.

### Online Test Bank

Each chapter of the test bank contains questions in multiple-choice, true/false, completion, and essay formats, with a full answer key. The test bank is coded to the learning objectives that appear in the main text, references to the section in the main text where the answers can be found, and Bloom’s taxonomy. Finally, each question in the test bank has been carefully reviewed by experienced criminal justice instructors for quality, accuracy, and content coverage.

### Cengage Learning Testing, Powered by Cognero

This assessment software is a flexible, online system that allows you to import, edit, and manipulate test bank content from the Juvenile Delinquency 14<sup>th</sup> edition test bank or elsewhere, including your own favorite test questions; create multiple test versions in an instant; and deliver tests from your LMS, your classroom, or wherever you want.

### Online PowerPoint Lectures

Helping you make your lectures more engaging while effectively reaching your visually oriented students, these handy Microsoft PowerPoint slides outline the chapters of the main text in a classroom-ready presentation. The PowerPoint slides are updated to reflect the content and organization of the new edition of the text and feature some additional examples and real-world cases for application and discussion.

## Acknowledgments

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I would like to give special thanks to my terrific content manager, Chip Cheek. This text would not have been possible without his help and TLC. I love working with the incomparable learning designer Mara Vuillaume and project manager Manas Pant, who helped us produce a marvelous book. Susan Walker, our copyeditor, did a thorough job; it was a pleasure to work with her. Many thanks also to Ali Balchunas, who helped get this project off the ground and on its way. And special thanks to our new product manager, Conor Allen, and new marketing manager, Morgan Gauthier. Many thanks to all.

Larry Siegel



# Part One

## The Concept of Delinquency

**T**he field of juvenile delinquency has been an important area of study since the turn of the twentieth century. Academicians, practitioners, policy makers, and legal scholars have devoted their attention to basic questions about the nature of youth crime: How should the concept of juvenile delinquency be defined? Who commits delinquent acts? How much delinquency occurs each year? Is the rate of delinquent activity increasing or decreasing? What can we do to prevent delinquency?

Part One reviews these basic questions in detail. Chapter 1 discusses the current state of American youth and the challenges they face. It covers the origins of society's concern for children and the development of the concept of delinquency. It shows how the definition of delinquency was developed and how it evolved. While society has chosen to treat adult and juvenile law violators separately, it has also expanded the definition of youthful misbehaviors eligible for social control, known as *status offenses*. Status offenses include such behaviors as truancy, running away, and incorrigibility. Critics suggest that juveniles' noncriminal behavior is probably not a proper concern for law enforcement agencies and that social service organizations better handle these cases.

Chapter 2 examines the nature and extent of delinquent behavior. It covers how social scientists gather information on juvenile delinquency and provides an overview of some major trends in juvenile crime. Chapter 2 also contains information on some critical factors related to delinquency, such as race, gender, class, and age. It discusses the concept of the chronic delinquent, those who continually commit delinquent acts in their youth and continue to offend as adults.

**Chapter 1**  
Childhood and  
Delinquency

**Chapter 2**  
The Nature and Extent of  
Delinquency



# 1

# Childhood and Delinquency

## Learning Objectives

- 1 Distinguish between ego identity and role diffusion
- 2 Discuss the problems of youth in American culture
- 3 Examine the recent social improvements enjoyed by American youth
- 4 Discuss why the study of delinquency is so important and what this study entails
- 5 Describe the life of children during feudal times
- 6 Articulate the development of concern for children
- 7 Discuss childhood in the American colonies
- 8 Evaluate the child savers and the creation of delinquency
- 9 Identify the elements of juvenile delinquency today
- 10 Define what is meant by the term *status offender*

## Chapter Outline

### The Adolescent Dilemma

#### Adolescent Problems

- Adolescent Poverty
- Diet and Health Problems
- Mental Health Problems
- Income Inequality
- Self-Image Problems
- Family Structure Issues
- Substandard Living Conditions
- Inadequate Educational Opportunity
- Problems in Cyberspace
- Gun Violence
- Teen Suicide

#### Is Anything Improving?

#### The Study of Juvenile Delinquency

#### The Development of Childhood

- The Lower Classes
- Children of the Nobility

### Development of Concern for Children

#### Childhood in America

- Controlling Children

#### The Child Saving Movement

#### The Legal Status of Delinquency

- Legal Responsibility of Youth
- Trial in Adult Court: Waiver

#### Status Offenders

- The History of Status Offenses
- How Common Is Status Offending?
- The Status Offender in the Juvenile Justice System
- Changing the Treatment of Status Offenders
- Reforming Status Offense Laws

#### Increasing Social Control over Youth

- Teen Curfews
- Disciplining Parents

## Chapter Features

**International Delinquency:** Age of Criminal Responsibility: Minimum and Maximum

**Treating Delinquency:** The Southwest Keys Program

**Sarah Parker ran away** from home at 15. She struggled with family issues and felt she could no longer live with her mother, stepfather, and younger siblings in their California home. Arriving in Colorado with no family support, no money, and no place to live, she joined other runaway adolescents, homeless on the streets. As time passed, Sarah was a full-on substance abuser and was eventually arrested and detained at a juvenile detention center for possessing methamphetamines and providing false information to a police officer. Standing over five feet seven inches tall, she weighed only 95 pounds. Her health and quality of life were suffering.

When Sarah entered the juvenile justice system, she was a few months from turning 18. Due to issues of jurisdiction, budget concerns, and Sarah's age, system administrators encouraged the caseworker assigned to Sarah to make arrangements for her to return to her family in California. After interviewing her at length about her situation and need for treatment, the caseworker could see that Sarah strongly desired to get her life back on track. She needed assistance, but the cost of her treatment would be more than \$4,000 per month, and the county agency's budget was already stretched. Despite the administrators' objections, the caseworker remained a strong advocate for Sarah, convincing them of the harsh reality she would face at home without first receiving drug treatment. The caseworker's advocacy on her behalf and Sarah's motivation to get her life together compelled the department to agree to pay for her treatment program, but only until she turned 18. She transferred from the juvenile detention center to a 90-day drug and alcohol treatment program where she was able to detoxify her body and engage in intensive counseling. The program also provided family therapy through phone counseling for Sarah's mother, allowing the family to reconnect. Despite this renewed contact, returning home was not an option for Sarah.

Nearing the end of the 90-day program, Sarah again faced being homeless, but she was determined not to return to the streets. She needed an environment where she could make new friends who did not use and who would support her sobriety. Due to her age, the county department of human services had to close the case and could no longer assist her with housing or an aftercare



Mixmike/E+/Getty Images

program. The caseworker provided Sarah with some places to call, but she would have to be her own advocate.

Sarah contacted a group home run by a local church that takes runaway adolescents through county placements and provides various services for clients and their families. In Sarah's case, no funding was available, so she contacted the therapist at the group home and explained her situation. Initially, they indicated they would not be able to assist her, but Sarah was persistent and determined to find a quality living environment for herself. She continued to contact professionals at the group home to plead her case and was eventually successful. Sarah entered the group home, was able to get her high school diploma, and eventually enrolled in an independent living program that helped her find a job and get her own apartment. Sarah has remained in contact with her juvenile caseworker. Though she has struggled with her sobriety occasionally, she has refrained from using methamphetamines and is now at a healthy weight. Her caseworker continues to encourage Sarah and has been an ongoing support source, despite the client file being closed several years ago. Sarah's success is thanks to the initial advocacy of her caseworker, effective interventions, and the strong determination this young woman demonstrated.

What responsibility does the state have to support and treat youths such as Sarah? Should significant amounts of money be spent on her treatment protocols or would the money be better spent on scholarships for kids without her history of social problems and abuse?

Sarah's story is not unique. Almost 3 million children run away from home each year, and a significant number become homeless and/or drug dependent.<sup>1</sup> Some of these desperate kids, such as Sarah, commit crimes while under the influence; others are addicted and support their habit through theft or sex work. Very often, their plight creates a thorny dilemma: If caught in these illegal acts, should these juveniles be processed through the justice system or sent to a far more expensive yet more effective treatment program?

Housing is another major issue for teens such as Sarah, especially once they age out of the care of the justice system. Children placed in alternative settings, such as foster homes or residential treatment centers, are often not prepared to live on their own when they turn 18 or are released from juvenile custody. Sarah's successful transition is not one shared by everyone who has endured her social problems.

Because of trouble and conflict occurring in their families, schools, and communities, adolescents such as Sarah Parker routinely experience stress, confusion, and depression. And these problems can create an enormous national burden considering there are approximately 75 million children in the United States, which is projected to increase to about 80 million by 2030.<sup>2</sup> Today, about 20% of the population are aged 18 and under, down from a peak of 36% in the 1960s at the end of the so-called baby boom. Consequently, in the coming years, more Americans will require care and comfort and fewer people will be able to provide it or pay for its cost.

The youth population is also projected to become more diverse in the coming decade. For the first time in the nation's history, non-Hispanic white residents now make up less than half of the nation's population under 15: This trend will persist, so by 2050, fewer than 40% of children 15 and under are projected to be white, while children of color will make up more than 60% of the youth population.<sup>3</sup> By that time, the total U.S. population is expected to reach 450 million people.

During the baby boom (1946–1964), the number of children grew rapidly (see Exhibit 1.1). As the baby boomers enter their senior years, their needs for support and medical care will increase. At the same time, many poor kids and at-risk for delinquency and antisocial behavior will need both private and public assistance and aid. While the number of poor children and the aged will be rising, the 50-year-old population (Generation X), who will be expected to care for and pay for these groups, will constitute a much smaller share of the population. Meanwhile, globalization means that generations Y and Z will face increasing economic competition from workers abroad and automation at home. In addition, the changing racial and ethnic makeup of the youth population will create the need for institutions and programs that focus on children and young families of color and accommodate the interests of more racially diverse populations. These changes guarantee one thing: The stress placed on young people will surely increase.

## LO1

Distinguish between ego identity and role diffusion

## The Adolescent Dilemma

As they go through their tumultuous teenage years, the problems of American society and the daily stress of modern life significantly affect our nation's youth. Adolescence is unquestionably a time of transition. During this period, the self, or basic personality, is still undergoing a metamorphosis and is vulnerable to a host of external determinants and internal physiological changes. Many youths become extremely vulnerable to emotional turmoil and experience anxiety, humiliation, and mood swings. Adolescents also undergo a period of biological development that proceeds far faster than at any other time in their lives except infancy. Over a few years, their height, weight, and sexual characteristics change dramatically. The average age at which girls reach puberty today is about 12 years; 150 years

## Exhibit 1.1

### Six Generations of Americans

**The Greatest Generation:** Born after World War I and raised during the Depression, they overcame hardships, fought in World War II, and built America into the world's greatest superpower. They were willing to put off personal gain for the common good.

**Baby Boomers:** Born between the end of World War II and the Kennedy-Johnson years and now approaching retirement age, “boomers” are considered the generation that has benefited the most from the American Dream and post-war leadership. Their parents, who grew up during the Great Depression, ensured their children had the best of everything. Baby boomers benefited from affordable college and post-graduate education, relatively low housing costs, and plentiful job opportunities. Though they experienced some significant setbacks, such as the war in Viet Nam, they are a privileged generation that has been accused of being self-absorbed and materialistic.

**Generation X:** Born between 1963 and 1980 and now approaching 50, gen-Xers are often accused of being unfocused and uncommitted—the “why me?” generation. Coming of age between 1980 and 1990, when divorce was rampant and greed was good, they are not attached to careers or families. They lived through the 1990s, a time with significant social problems, including teen suicide, homelessness, the AIDS epidemic, a downsizing of the workforce, and overseas conflict. Generation X is described as pessimistic, suspicious, and frustrated slackers who wear grunge clothing while listening to alternative music after they move back home with their parents. They

do not want to change the world; they just make their way in it and through it without complications.

**Generation Y (Millennials):** Born between 1980 and 2000, gen-Y kids, otherwise known as millennials, were deeply influenced by the 9/11 attacks and, as a result, are more patriotic than their older peers. They were weaned on reality TV and are sometimes called the *MTV generation*. Compared to their elders, Gen-Y Millennials are incredibly sophisticated technologically and have mastered the art of social media. Gen-Y members live in a much more racially and ethnically diverse world than their parents, and most are willing to accept diversity. The rapid expansion aids their worldview in cable TV channels, satellite radio, the internet, e-zines, etc. They may have lived in families with either a single caretaker or two working parents. Millennials are often accused of being self-centered, irresponsible, and not understanding how the work world functions. They are also open-minded, liberal, upbeat, and overtly passionate about racial and gender equality.

**Generation Z:** Born between 2000 and 2012, they are the first generation to have grown up in a world dominated by the internet and instant communication; iPads, group video games, texting, and tweeting are their milieu. Will this next generation have the same opportunities as their grandparents in a global economy in which the United States is competing with other powerful nations for dominance?

**Generation Alpha:** Since they are born after 2012, it's just too early to tell.

ago, girls matured sexually at age 16. But although they may become biologically mature and capable of having children as early as 14, many youngsters remain emotionally and intellectually immature. By the time they reach 15, many teenagers cannot adequately meet the requirements and responsibilities of the workplace, family, and neighborhood. Many suffer from health problems, are educational underachievers, and are already skeptical about their ability to enter the American mainstream.

In later adolescence (ages 16 to 18), youths may experience a life crisis that famed psychologist Erik Erikson labeled the struggle between **ego identity** and **role diffusion**. Ego identity forms when youths develop a full sense of the self, combining how they see themselves and fit in with others. Role diffusion occurs when they experience personal uncertainty, spread themselves too thin, and place themselves at the mercy of people who promise to give them a sense of identity they cannot mold for themselves.<sup>4</sup> Psychologists also find that late adolescence is a period dominated by the yearning for independence from parental domination.<sup>5</sup> Given this explosive mixture of biological change and desire for autonomy, it isn't surprising that the teenage years are a time of rebelliousness and conflict with authority at home, at school, and in the community.

#### ego identity

According to Erik Erikson, ego identity is formed when youths develop a full sense of the self, combining how they see themselves and how they fit in with others.

#### role diffusion

According to Erik Erikson, role diffusion occurs when people spread themselves too thin, experience personal uncertainty, and place themselves at the mercy of people who promise to give them a sense of identity they cannot develop.



## Adolescent Problems

American youths face countless social, economic, and psychological problems linked to delinquency and antisocial behaviors. Considering the problems they face, it may not be surprising to some that this latest generation of adolescents has been described as cynical and preoccupied with material acquisitions. By age 18, American youths have spent more time in front of a television than in the classroom; each year, they may see thousands of rapes, murders, and assaults on TV. They also routinely view violent and sexually explicit content on the net.

They listen to rock, rap, and hip-hop music with explicit lyrics that routinely describe sexuality and promiscuity. Megan Thee Stallion had a big hit with her sexually suggestive song “WAP”; Snoop Dog has one called “Can you Control Your Hoe”; “Woohoo” by Christina Aguilera and Nicki Minaj is extremely explicit.

How will this exposure affect them? Should we be concerned? Maybe we should. Research shows that kids who listen to music with sexual content are much more likely to engage in precocious sex than adolescents whose musical tastes run to The Weeknd or Adele.<sup>6</sup> However, this association is far from settled: there is also evidence that listening to any music, even angry heavy metal, can be beneficial, helping to calm anger and hostile emotions.<sup>7</sup>

Troubles in the home, the school, and the neighborhood, coupled with health and developmental hazards, have placed a significant portion of American youth **at risk**. Youths considered at risk are those dabbling in various forms of dangerous conduct, such as drug abuse, alcohol use, and precocious sexuality. They live in families that, because of economic, health, or social problems, cannot provide adequate care and discipline.<sup>8</sup> What are some of the key social problems facing American youth?

### at-risk youth

Young people who are extremely vulnerable to the negative consequences of school failure, substance abuse, and early sexuality.

## Adolescent Poverty

According to the U.S. Census Bureau, after years of decline, the nation’s official poverty rate rose during the COVID epidemic, while median income declined for the first time in a decade. About 37 million U.S. citizens now live in poverty, more than 10% of the total national population. Those living in poverty earn about \$26,000 a year for a family of four.

Youths 18 and under are particularly hard hit by poverty. Of the 75 million under age 18 in the United States, more than 16% (almost 12 million children) now live in poverty. About half of these children live in extreme poverty, which means half of the poverty level or about \$13,000 per year for a family of four.

Millions of others—the so-called working poor—live just above the poverty line, struggling to make ends meet. During the COVID crisis, real income fell; poverty in the United States is more prevalent now than in the 1960s when the Johnson administration declared a War on Poverty. Working hard and playing by the rules is not enough to lift families out of poverty: even if parents work full time at the federal minimum wage, the family still lives in poverty.

Which kids live in poverty? Those living in a single-parent, female-headed household are significantly more likely to suffer poverty than those in two-parent families. Children of color are also more likely to be living below the poverty line. While about 9% of White children lived below the poverty line, more than 25% of children of color were economically disadvantaged.

Childhood poverty can have long-lasting adverse effects on children’s achievement, including educational attainment, nutrition, physical and mental health, and social behavior. These issues are discussed below.

## Diet and Health Problems

Receiving adequate food and health care is another significant concern for American youth. It may be hard to believe, but millions of children in the U.S. still do



Spencer Platt/Getty Images News/Getty Images

Adolescent poverty has been linked to delinquency. Michell and Alex, who are homeless, sit with their daughter Alexis outside the Pan Am Shelter in Queens in New York City. The facility, a former hotel which currently houses dozens of homeless families, has been denounced by area residents who fear higher crime rates and lower property values if homeless people stay there. Organizers held a rally at the shelter to stress that the real problem is a lack of affordable housing for working-class and middle-class families.

not have access to the nutrition needed for an active, healthy life. Many still do not get enough food, while others suffer reduced food intake and diet quality, as well as anxiety about an adequate food supply. In the most extreme cases, children are going hungry, skipping meals, or have not eaten for a whole day because the household could not afford enough food. The children most vulnerable to food insecurity are minority children living in single-parent households with incomes below the federal poverty threshold. Recent national estimates indicate that only about 20% of adolescents eat five or more servings of fruits and vegetables per day, and less than 20% meet current physical activity recommendations of one hour of exercise a day.<sup>9</sup> Poor eating patterns in childhood are associated with obesity and the risk of chronic diseases starting in childhood, such as type 2 diabetes; poor diet in childhood is related to later problems like heart disease and cancer.

Kids with health problems may only be helped if they have insurance. And while most kids now have health care coverage of some sort, about 6% or 4 million youth do not.<sup>10</sup> As might be expected, children who are not healthy, especially those who live in lower-income families and children of color, are subject to illness and early mortality. While the infant mortality rate reached an *all-time low* in the U.S., at 5.9 infant deaths per 1,000 live births, still more than 21,000 infants now die each year. The U.S. infant mortality rate is much higher compared to other similar countries. France and the U.K., for example, have 3.8 deaths per 1,000 live births.<sup>11</sup>

## Mental Health Problems

Mental health concerns, such as childhood depression, can significantly impact adolescent development and well-being that adversely affects school work, peer and family relationships, and aggravates preexisting health conditions such as asthma and obesity. Youths who have had a **major depressive episode (MDE)** in the past year are at greater risk for suicide and are more likely than other youths to initiate alcohol and other drug use, experience concurrent substance use disorders, and smoke daily. Depression is rising among all age groups; girls experience depression significantly more often than boys.

### major depressive episode (MDE)

A period of at least two weeks when a person experienced a depressed mood or loss of interest or pleasure in daily activities plus at least four additional symptoms of depression (such as problems with sleep, eating, energy, concentration, and feelings of self-worth).

## Income Inequality

Despite years of effort to reduce or eliminate its occurrence, income inequality still exists and has been expanding.

According to the Pew Research center, in recent years :

- Upper-income households have seen more rapid growth in income in recent decades
- Income growth has been most rapid for the top 5% of families
- The wealth divide among upper-income families and middle- and lower-income families is sharp and rising
- The richest are getting richer faster
- Income inequality in the U.S. has increased since 1980<sup>12</sup>

As Figure 1.1 shows, the gap between the upper- and lower-income families is much higher today than it was 50 years ago. While upper-class income has expanded, lower-class income has been stagnant.

Children of color are much more likely than white, non-Hispanic children to experience poverty; proportionately, children of color are about three times as likely to be poor as their White peers, and African American median income is significantly below that of White and Asian families.

## Self-Image Problems

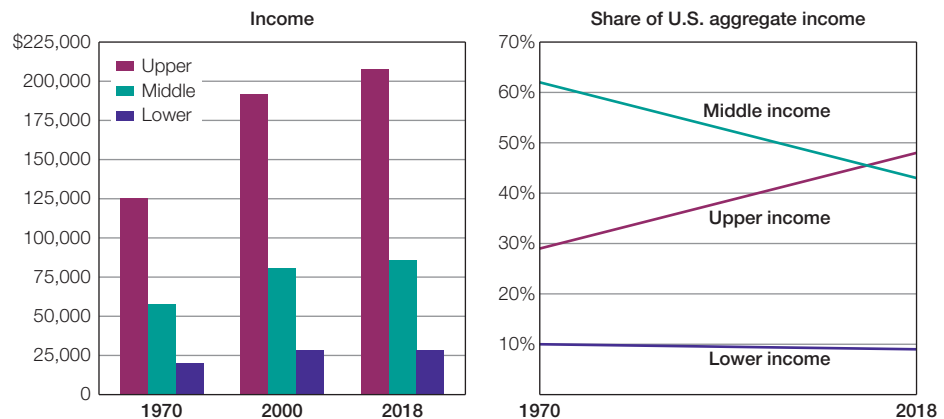
Adolescents are particularly vulnerable to stress caused by a poor self-image. According to recent surveys by the American Psychological Association, citizens of all ages are likely to live stress-filled lives, but children and adults alike who are obese or overweight are more likely to feel stressed out; overweight children are more likely to report that their parents were often or always stressed. When asked, one-third of American children report being very or slightly overweight. These kids are more likely to report they worry a lot about things in their lives than children who are of average weight. Overweight children are also significantly more likely than average-weight children to worry about how they look or their weight. They are also prone to suffer medical problems including high blood pressure, high cholesterol, and diabetes that develop in childhood and can lead to heart disease, heart failure, and *stroke* in adulthood.<sup>13</sup>

Figure 1.1

Household Income by Social Class

The gaps in income between upper-income and middle- and lower-income households are rising, and the share held by middle-income households is falling

Median household income, in 2018 dollars, and share of U.S. aggregate household income, by income tier

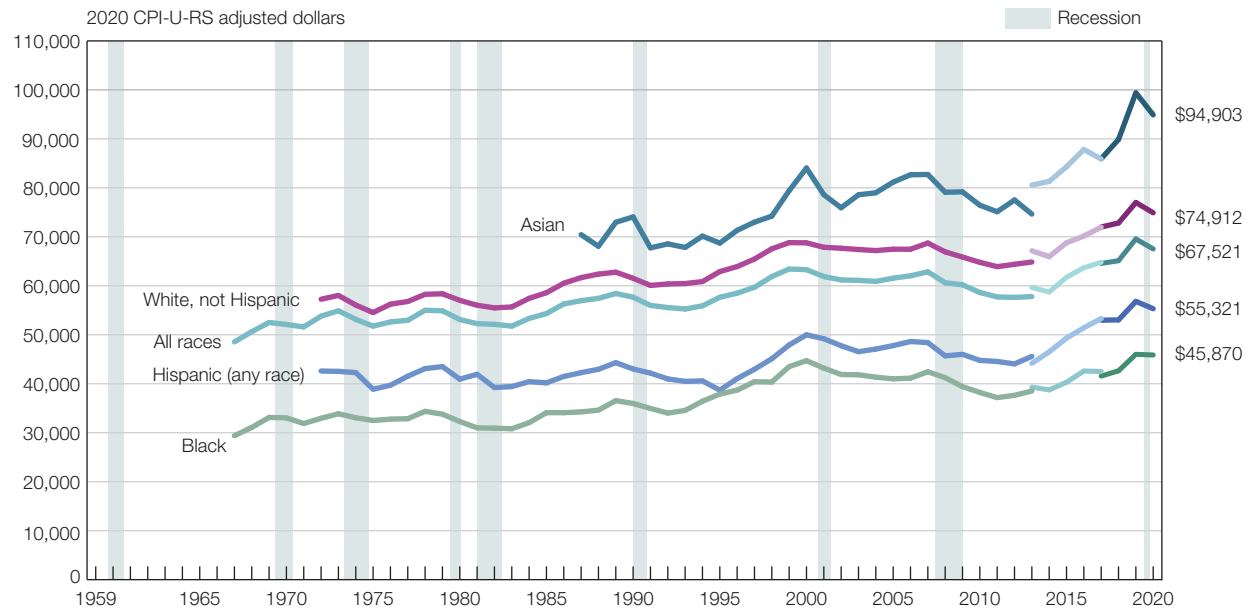


SOURCE: JULIANA MENASCE HOROWITZ, RUTH IGIELNIK AND RAKESH KOCHHAR, Trends in income and wealth inequality Pew Research Center, Washington, D.C. 2020 <https://www.pewresearch.org/social-trends/2020/01/09/trends-in-income-and-wealth-inequality/>

Figure 1.2

## Real Median Household Income by Race and Hispanic Origin: 1967 to 2020

SOURCE: U.S. Census Bureau, Current Population Survey, 1968 to 2021 Annual Social and Economic Supplements <https://www.census.gov/content/dam/Census/library/visualizations/2021/demo/p60-273/figure2.pdf>



## Family Structure Issues

The idealized American two-parent nuclear family structure has not gone away, but other living environments and arrangements have become commonplace. As of today, about two-thirds of all children ages 0–17 lived with two married parents, which has been fairly stable for a decade or more.

- About 20% of children live with their mothers only, 5% lived with their fathers only, and 4% lived with neither of their parents. Most children who lived with neither of their parents lived with grandparents or other relatives.
- About 75% of White children live with two married parents compared with about 60% of Hispanic and about 40% of Black children.<sup>3</sup>
- About 4% of children live with two parents who are not married to each other (cohabiting parents).<sup>14</sup>

Kids who live with only one parent, especially single moms, are much more likely to experience poverty than those living in two-parent families. Because of family problems, children are being polarized into two distinct economic groups: those in affluent, two-earner, married-couple households and those in poor, single-parent households.

## Substandard Living Conditions

Millions of children live in substandard housing—high-rise, multiple-family dwellings—which can negatively influence their long-term psychological health. Adolescents living in deteriorated urban areas are prevented from having productive and happy lives. Many die from random bullets and drive-by shootings. Some are homeless and living on the street, where they are at risk of drug addiction and sexually transmitted diseases (STDs). Today about one-third of U.S. households with children have one or more of the following three housing problems: physically inadequate housing, crowded housing, or housing that costs more than 30% of the household income.<sup>15</sup> Despite the increasing minimum wage, the poor can barely afford to live in even the lowest-cost neighborhoods of metro areas such as Chicago, New York, and Washington, D.C.<sup>16</sup>



## Inadequate Educational Opportunity

Education shapes the personal growth and life chances of children. Early educational experiences of young children, such as being read to daily, encourage the development of essential skills and prepare children for success in school. Later aspects of academic performance, such as mastering academic subjects, completing high school, and enrolling in college, provide opportunities for further education and future employment. Youths who are neither enrolled in school nor working are a measure of the proportion of young people at risk of limiting their future prospects. Although all young people face stress in the education system, the risks are greatest for the poor, children of color, and recent immigrants. By the time they reach the fourth grade, students in poorer public schools have lower achievement scores in mathematics than those in more affluent districts. According to the watchdog group Children's Defense Fund, the most recent data show that even before the COVID pandemic many schools were underfunded, deeply segregated and inequitable. Poor children and children of color start school already behind their wealthier and white peers. As they progress through schools with smaller budgets and fewer educational resources, it is too often impossible to catch up. The Children's Defense Fund also found that:

- Less than half of children born into household and neighborhood poverty are ready for school at age five compared with 78% of their wealthier peers.
- Less than 25% of lower-income fourth and eighth-grade public school students are proficient in reading or math, compared with more than 50% of higher-income students.<sup>17</sup>

Poor children receive less academic support from their harried parents at home. For instance, having parents who read to their children at home is a key to future academic success. Although most children ages 3 to 5 who are not yet in kindergarten are read to daily by a family member, the likelihood of having heard a story at home is stratified by class. The higher the parents' income, the more likely they are to read to their young children.<sup>18</sup>

So there is a direct connection between being poor and a child's readiness for school. In addition to reducing parent-child interaction, poverty leads to poor physical health and motor skills, diminishes a child's ability to concentrate and remember information, and reduces attentiveness, curiosity, and motivation. As a result:

- 37% of children raised in poverty do not finish high school.
- People who do not earn a high school diploma by age 20 are seven times more likely to be persistently poor between ages 25 and 30.
- Children who grow up impoverished complete fewer years of schooling and earn much lower income than people who did not grow up poor.
- The chances of adolescents who grew up in a poor family and have weak academic skills obtaining a bachelor's degree by their mid-20s is now close to zero.<sup>19</sup>

Poor kids suffer disadvantage because their families cannot afford tutoring or attending prep courses, resulting in their lower test scores than more economically advantaged youth.<sup>20</sup> Therefore, they have an increased chance of dropping out, but even those who complete high school are less likely to attend college than students from higher-income families. Adults 25 years of age and older without a high school diploma earn 30% less than those who have earned a diploma. High school graduation is the single most effective preventive strategy against adult poverty.

**Race and Educational Inequality** Educational problems are more likely to be felt by students of color. African American children are half as likely as white children to be placed in a gifted and talented class and more than one and a half times as likely to be placed in a class for students with emotional disturbances. They are also more

likely to face disciplinary problems, including being twice as likely to be held back or retained in school, almost three times as likely to be suspended from school, and more than four times as likely to be expelled. The Children's Defense Fund, finds:

- Black students fall behind early on and do not catch up. Without an education, children are dead on arrival in America's economy.
- Black children arrive in kindergarten with lower levels of school readiness than white children.
- Black children make up 18% of preschool enrollment but 48% of preschool children receiving more than one out-of-school suspension.
- More than 80% of fourth and eighth grade black public-school students cannot read or compute at grade level, compared to less than 57% of White students.
- Only two-thirds of black public-school students graduate from high school, compared to 83% White students and 94% Asian/Pacific Islander students.
- Each school day, 763 Black high school students drop out. Black students are more than twice as likely to drop out as White students.<sup>21</sup>

## Problems in Cyberspace

Kids today are forced to deal with problems and issues their parents could not even dream about. While the internet and other technological advances have opened a new world of information gathering and sharing, they have brought a basketful of new problems ranging from sexting to cyberstalking.

While in the past bullies were found in the schoolyard, they can now use the internet to harass their victims through texts or instant messages. Physical distance is no longer a barrier to the frequency and depth of harm bullies dole out to their victims.<sup>22</sup> Obscene, insulting, and slanderous messages can be posted to social media sites or sent directly to the victim via cell phones; bullying has now morphed from the physical to the virtual. While it is difficult to get an accurate count of the number of teens who have experienced cyberbullying, research efforts indicate that almost 25% of teens have been cyberbullied in the past month.<sup>23</sup>

In addition to being bullied, some students are stalked via the internet, email, or other electronic communications devices. Others become the victims of catfishing, which refers to setting up a fictitious online profile, most often for luring another into a fraudulent romantic relationship. According to *The Urban Dictionary*, a catfish is "someone who pretends to be someone they're not using Facebook or other social media." So, to "catfish someone" is to set up a fake social media profile to dupe that person into falling for the false persona. There are also reports of sexting, a practice in which teens send compromising photos to their boyfriends or girlfriends, which are then forwarded to friends and schoolmates, though the actual number of underage minors who send sexually suggestive images is still undetermined.

## Gun Violence

Gun violence has become an epidemic among young people. One recent analysis by researchers at Johns Hopkins University found:

- Firearms were the leading cause of death for children and teens ages 1–19, prematurely taking the lives of 4,357 young people.
- Homicides are the most common type of gun death among children and teens—64% of child and teen gun deaths were homicides, and 30% were suicides.

- While teenagers account for the majority of these deaths, younger children are not immune. An average of eight children ages 0–12 were killed by guns every single week in 2020.
- Every 2.5 days, a child or teen was killed by an unintentional gun injury.
- Black children and teens face alarmingly high rates of gun victimization. More than half of all Black teens (15–19) who died in 2020—a staggering 52%—were killed by gun violence.
- Young people are at the highest risk of dying by firearm homicide. They had a gun homicide rate twice the national average and accounted for three of every five gun homicide victims.<sup>24</sup>

## Teen Suicide

Considering all the above, it is no surprise that during the teen years, feelings of stress, anxiety and depression can overwhelm young people and lead them to consider suicide a “solution.”

In the U.S., the teen suicide rate remains unacceptably high and is the second leading cause among young people next to accidents. Suicide rates are growing rapidly, increasing more than 60% in the past decade. Adding to the problem, the COVID lockdown in 2020 may be responsible for a spike in suicide among young women. Between May 2020 and February to March 2021, emergency room visits for suspected suicide attempts were up, 50% higher among girls aged 12–17 than during the same period in 2019.<sup>25</sup>

What are the signs that precede and predict teen suicide:

- Having a psychiatric disorder, such as depression, an anxiety disorder, bipolar disorder or oppositional defiant disorder
- Family history of mood disorder, suicide or suicidal behavior
- History of physical or sexual abuse or exposure to violence or bullying
- A substance use disorder
- Access to means, such as firearms or medications
- Exposure to the suicide of a family member or friend
- Loss of or conflict with close friends or family members
- Physical or medical issues, such as changes related to puberty or a chronic illness
- Being lesbian, gay, bisexual or trans
- Being adopted<sup>26</sup>

### LO3

Examine the recent social improvements enjoyed by American youth

## Is Anything Improving?

Though American youth face many hazards, some bright spots are on the horizon. Teenage birth rates nationwide have declined substantially during the past decade, with the sharpest declines among African American girls. In the same period, the teen abortion rate has also declined. These data indicate that more teens are using birth control and practicing safe sex, a welcome circumstance considering the legal limits now being placed on abortion availability.

Fewer children are being born with health risks today than in 1990. This reduction probably means fewer women are drinking or smoking during pregnancy and fewer are receiving late or no prenatal care. In addition, since 1990, the number of children immunized against disease has increased.

College enrollment is now at more than 20 million. Among recent high school graduates, college enrollment rates for men (55%) and women (70%) have increased substantially during the past 20 years; today, more than 60% of college grads attend college.<sup>27</sup> As a result of this uptick, about 30% of the adult population in the U.S. now have college degrees. At first, there was fear the COVID pandemic would substantially decrease college enrollment, but enrollment; after a significant decline in 2020–2021, college attendance has stabilized. So, while American youth face a wide array of challenges, they also now enjoy greater opportunities than prior generations.

## The Study of Juvenile Delinquency

The problems of youth in modern society are a major national concern, especially when they are linked to **juvenile delinquency**, or criminal behavior committed by minors.

About 480,000 American youths are now arrested each year for crimes ranging in seriousness from loitering to murder. While this number seems high, juvenile arrests have been in decline; more than a million youths were arrested annually just a few years before.<sup>28</sup> Though most juvenile law violations are minor, some young offenders are extremely dangerous and violent. While there are few accurate measures available, there are about 800,000 youths belong to more than 30,000 gangs in the U.S. Violent street gangs and groups can put fear into an entire city (see Chapter 9 for more on gangs).

Youths involved in multiple serious criminal acts—lifestyle, repeat, or **chronic delinquent offenders**—are now recognized as a serious social problem. State juvenile authorities must deal with these offenders and respond to a range of other social problems, including child abuse and neglect, school crime and vandalism, family crises, and drug abuse. Treating the most chronic offenders is expensive, with estimates ranging from 1.5 to almost 2 million dollars by the time these high-rate offenders reach their legal majority.<sup>29</sup>

Given the diversity and gravity of these problems, there is an urgent need for strategies to combat such a complex social phenomenon as juvenile delinquency. But formulating effective strategies demands a solid understanding of delinquency's causes and prevention. Is delinquency a function of psychological abnormality? A collective reaction by youths against destructive social conditions? The product of a disturbed home life and disrupted socialization? Does serious delinquent behavior occur only in large urban areas among lower-class youths? Or is it spread throughout the entire social structure? What impact do family life, substance abuse, school experiences, and peer relations have on youth and their law-violating behaviors? We know that most youthful law violators do not go on to become adult criminals (what is known as the **aging-out process**). Yet we are not certain why some youths become chronic delinquents whose careers begin early and persist into their adulthood. Why does the onset of delinquency begin so early in some children? Why does the severity of their offenses escalate? What factors predict the **persistence**, or continuation, of delinquency, and conversely, what factors are associated with its desistance or termination? Unless the factors that control the onset and termination of a delinquent career are studied orderly and scientifically, developing effective prevention and control efforts will be difficult.

The study of delinquency also involves an analysis of the law enforcement, court, and correctional agencies designed to treat youthful offenders who fall into the arms of the law—known collectively as the **juvenile justice system**. How should police deal with minors who violate the law? What are the legal rights of children? Should minors who commit murder receive the death penalty? What kind of correctional programs are most effective with delinquent youths? How useful are educational, community, counseling, and vocational development programs? As some critics claim, is it true that most efforts to rehabilitate young offenders are doomed to failure? Should we adopt a punishment or a treatment orientation to combat delinquency, or something in between?

### LO4

Discuss why the study of delinquency is so important and what this study entails

#### **juvenile delinquency**

Participation in criminal behavior by a minor who falls under a statutory age limit.

#### **chronic delinquent offenders (also known as chronic juvenile offenders, chronic delinquents, or chronic recidivists)**

Youths who have been arrested four or more times during their minority and perpetuate a striking majority of serious criminal acts. This small group is believed to engage in a significant portion of all delinquent behavior; these youths do not age out of crime but continue their criminal behavior into adulthood.

#### **aging-out process (also known as desistance or spontaneous remission)**

The tendency for youths to reduce the frequency of their offending behavior as they age; aging-out is thought to occur among all groups of offenders.

#### **persistence**

The process by which juvenile offenders persist in their delinquent careers rather than aging out of crime.

#### **juvenile justice system**

The segment of the justice system, including law enforcement officers, the courts, and correctional agencies, designed to treat youthful offenders.

In sum, the scientific study of delinquency requires understanding the nature, extent, and cause of youthful law violations and the methods devised for their control. We also need to study important environmental and social issues associated with delinquent behavior, including substance abuse, child abuse and neglect, education, and peer relations. This text investigates these aspects of juvenile delinquency along with the efforts being made to treat problem youths and prevent the spread of delinquent behavior. Our study begins with a look back to the development of the concept of childhood and how children were first identified as a unique group with its own special needs and behaviors.

## LO5

Describe the life of children during feudal times

### paternalistic family

A family style wherein the father is the final authority on all family matters and exercises complete control over his wife and children.

## The Development of Childhood

The treatment of children as a distinct social group with special needs and behavior is, in historical terms, a relatively new concept. Only for the past 350 years or so did any mechanism exist to care for even the neediest children, including those left orphaned and destitute. How did this concept of concern for children develop?

In Europe, during the Middle Ages (roughly 500–1500 CE), the concept of childhood as we know it today did not exist. In the **paternalistic family** of the time, the father was the final authority on all family matters and exercised complete control over his wife and children's social, economic, and physical well-being.<sup>30</sup> Children who did not obey were subject to severe physical punishment, even death.

## The Lower Classes

For peasant children, the passage into adulthood was abrupt. Children of all classes were expected to engage in adult roles as soon as they were physically capable. Among the working classes, males engaged in farming and/or learning a skilled trade, such as masonry or metal-working; females aided in food preparation or household maintenance.<sup>31</sup> Some peasant youths went into domestic or agricultural service on the estate of a powerful landowner or into trades or crafts, perhaps as a blacksmith or farrier (horseshoer).

This view of medieval childhood was shaped by Philippe Aries, whose influential book *Centuries of Childhood* is considered a classic of historical scholarship. Aries argued that most young people were apprenticed, became agricultural or factory workers, and generally entered adult society very early.<sup>32</sup> According to Aries, high infant mortality rates kept parents emotionally detached from their children. Paintings of the time depict children as mini-adults who were sent off to work as soon as they were capable. Western culture did not have a sense of childhood as a distinct period of life until the very late nineteenth and early twentieth centuries.

Aries's view that children in the Middle Ages were treated as "miniature adults" has become the standard view, but in a more recent book, historian Nicholas Orme argues that medieval children may have been valued by their parents, experiencing a prolonged period of childhood. In his *Medieval Children*, Orme finds that the medieval mother began to care for her children even before their delivery. Royal ladies borrowed relics of the Virgin Mary from the church to protect their unborn children, while poorer women used jasper stones or drawings of the cross, which were placed across their stomachs to ensure a healthy and uneventful birth. Parents associated their children's birthdays with a saint's feast day. Medieval children devised songs, rhymes, and games. Some simple games used cherry pits or hazelnuts, but children also had toys, including dolls and even mechanical toys made for royalty.<sup>33</sup>

## Children of the Nobility

Though their lives were quite different, children of the affluent, landholding classes also assumed adult roles early. Girls born into aristocratic families were educated



at home and married in their early teens. A few were taught to read, write, and do sufficient mathematics to handle household accounts in addition to typical female duties such as supervising servants and ensuring the food supply of the manor.

At age 7 or 8, boys born to landholding families were sent to a monastery or cathedral school to be trained for lives in the church, or they became a member of the warrior class and served a term as a squire—an apprentice and assistant to an experienced knight. At age 21, young men of the knightly classes completed their term as squire, received their own knighthood, and returned home to live with their parents. Most remained single because it was widely believed there should be only one married couple residing in a manor or castle. To pass the time and maintain their fighting edge, many young knights entered the tournament circuit, engaging in melees and jousts to win fame and fortune. Upon the death of their fathers, young nobles assumed their inherited titles, married, and began their own families.

**Primogeniture** The customs and practices of the time helped shape the lives of children and, in some instances, greatly amplified their hardships and suffering. **Primogeniture** required that the oldest surviving male child inherit family lands and titles. He could then distribute them as he saw fit to younger siblings. There was no absolute requirement, however, that portions of the estate be distributed equally; many youths who received no lands were forced to enter religious orders, become soldiers, or seek wealthy patrons. Primogeniture often caused intense family rivalry that led to blood feuds and tragedy.

**Dower** The dower system mandated that a woman's family bestow money, land, or other wealth (called a dowry) on a potential husband or his family in exchange for marriage to her. In return, the young woman received a promise of financial assistance from the groom's family, called a jointure. Jointure provided a lifetime income if a wife outlived her mate. The dower system had a significant impact on the role of women in medieval society and consequently on the role of children.

Within this system, a father or male guardian had the final say in his daughter's choice of marital partner, as he could threaten to withhold her dowry.

Some women were denied access to marriage simply because of their position in the family. A father with many daughters and few sons might find himself financially unable to obtain suitable marriages for them. Consequently, the youngest girls in many families were forced to enter convents or stay at home, with few prospects for marriage and family.

The dower system had far-reaching effects on the position of women in society, forcing them into the role of second-class citizens dependent upon their fathers, brothers, and guardians. It established a pattern in which females who did not conform to what males considered to be acceptable standards of feminine behavior could receive harsh sanctions; it established a sexual double standard that, in part, still exists today.

**Child Rearing** The harshness of medieval life influenced childrearing practices during the fifteenth and sixteenth centuries. For instance, families almost immediately handed over their newborns to wet nurses, who fed and cared for them during the first two years of their life. These women often lived away from the family, so parents had little contact with their children. Even the wealthiest families employed wet nurses because it was considered demeaning for a noblewoman to nurse. Wrapping a newborn entirely in bandages, or **swaddling**, was a common practice. The bandages prevented any movement and enabled the wet nurse to manage the child easily. This practice was thought to protect the child, but it most likely contributed to high infant mortality rates because the child could not be kept clean.

Discipline was severe during this period. Young children of all classes, both peasant and wealthy, were subjected to stringent rules and regulations. They were beaten severely for any sign of disobedience or ill temper. Many children of this time would be considered abused by today's standards. The relationship between parent and

### **primogeniture**

During the Middle Ages, the right of firstborn sons to inherit lands and titles, leaving their brothers the option of a military or religious career.

### **swaddling**

The practice during the Middle Ages of completely wrapping newborns in long bandage-like cloths in order to restrict their movements and make them easier to manage.

child was remote. Children were expected to enter the world of adults and to undertake responsibilities early in their lives, sharing in the work of siblings and parents. Children thought to be suffering from disease or retardation were often abandoned to churches, orphanages, or foundling homes.<sup>34</sup>

The roots of the impersonal relationship between parent and child can be traced to high mortality rates, which made sentimental and affectionate relationships risky. Parents were reluctant to invest emotional effort in relationships that could so easily be terminated by violence, accidents, or disease. Many believed that children must be toughened to ensure their survival in a hostile world. Close family relationships were viewed as detrimental to this process. Also, because the oldest male child was viewed as essential to a family's well-being, younger male and female siblings were considered economic and social liabilities.

## LO6

Articulate the development of concern for children

## Development of Concern for Children

Throughout the seventeenth and eighteenth centuries, many developments in England heralded the march toward the recognition of children's rights. Some of these events eventually affected the juvenile legal system as it emerged in America. They include (a) changes in family style and child care, (b) the English Poor Laws, (c) the apprenticeship movement, and (d) the role of the chancery court.<sup>35</sup>

**Changes in Family Structure** Family structure and the role of children began to change after the Middle Ages. Extended families, created over centuries, gave way to the nuclear family structure with which we are familiar today. It became more common for marriage to be based on love and mutual attraction between men and women rather than on parental consent and paternal dominance. The changing concept of marriage—from an economic arrangement to an emotional commitment—also began to influence how children were treated within the family structure. Though parents still rigidly disciplined their children, they formed closer parental ties and developed greater concern for their offspring's well-being.

Grammar and boarding schools were established to provide more control over children; they began to flourish in many large cities during this time.<sup>36</sup> Young boys studied grammar, Latin, law, and logic, often beginning at a young age. Teachers in these institutions regularly ruled by fear, and flogging was their main method of discipline. Students were beaten for academic mistakes as well as moral lapses. Such brutal treatment fell on both the rich and the poor throughout all levels of educational life, including universities. This treatment abated in Europe with the rise of the Enlightenment, but it remained in full force in Great Britain until late in the nineteenth century. Although this brutal approach to children may be difficult to understand now, the child in that society was a second-class citizen.

Toward the close of the eighteenth century, the work of such philosophers as Voltaire, Rousseau, and Locke launched a new age for childhood and the family.<sup>37</sup> Their vision produced a period known as the Enlightenment, which stressed a humanistic view of life, freedom, family, reason, and law. The ideal person was sympathetic to others and receptive to new ideas. These new beliefs influenced both the structure and lifestyle of the family. The father's authority was tempered, discipline in the home became more relaxed, and the expression of love and affection became more commonplace among family members. Upper- and middle-class families began to devote attention to childrearing, and the status of children was advanced.

As a result of these changes, in the nineteenth century, children emerged as a readily distinguishable group with independent needs and interests. Parents often took a greater interest in their upbringing. In addition, serious questions arose over the treatment of children in school. Public outcries led to a decrease in excessive physical discipline. Restrictions were placed on the use of the whip, and in some schools, the imposition of academic assignments or the loss of privileges replaced corporal punishment. Despite such reforms, many children still led harsh lives. Girls were

still undereducated, punishment was still primarily physical, and schools continued to mistreat children.

**Poor Laws** Government action to care for needy children can be traced to Britain's **Poor Laws**. As early as 1535, England passed statutes allowing for the appointment of overseers to place destitute or neglected children as servants in the homes of the affluent.<sup>38</sup> The Poor Laws forced children to serve during their minority in the care of families who trained them in agricultural, trade, or domestic services. The Elizabethan Poor Laws of 1601 were a model for dealing with poor children for more than 200 years. These laws created a system of church wardens and overseers who, with the consent of justices of the peace, identified vagrant, delinquent, and neglected children and took measures to put them to work. Often this meant placing them in poorhouses or workhouses or apprenticing them to masters.

**The Apprenticeship Movement** Under the apprenticeship system, children were placed in the care of adults who trained them to discharge various duties and obtain skills. Voluntary apprentices were bound out by parents or guardians who wished to secure training for their children. Involuntary apprentices were compelled by the authorities to serve until they were 21 or older. The master-apprentice relationship was similar to the parent-child relationship in that the master had complete responsibility for and authority over the apprentice. If an apprentice was unruly, a complaint could be made, and the apprentice could be punished. Incarcerated apprentices were often placed in rooms or workshops apart from other prisoners and were generally treated differently from those charged with a criminal offense. Even at this early stage, the conviction was growing that the criminal law and its enforcement should be applied differently to children.

**Chancery Court and *Parens Patriae*** After the fifteenth century, a system of **chancery courts** became a significant arm of the British legal system. They were originally established as "courts of equity" to handle matters falling outside traditional legal actions. These early courts were based on the traditional English system in which a chancellor acted as the "king's conscience" and could modify the application of legal rules and provide relief considering the circumstances of individual cases. The courts were not concerned with technical legal issues; rather, they focused on rendering decisions or orders that were fair or equitable. Concerning children, the chancery courts dealt with issues of guardianship of orphaned children, their property and inheritance rights, and the appointment of guardians to protect them until they reached the age of majority and could care for themselves. For example, if a wealthy father died before his heir's majority, or if there were some dispute about the identity (or legitimacy) of his heir, the crown might ask the case to be decided by the chancery court to ensure that inheritance rights were protected (and taxes collected!).

Chancery court decision making rested on the proposition that children and other incompetents were under the protective control of the king; thus, the Latin phrase ***parens patriae*** was used, referring to the role of the king as the father of his country. English kings first used the concept to establish their right to intervene in the lives of the children of their vassals—children whose position and property were of direct concern to the monarch.<sup>39</sup> The concept of *parens patriae* became the theoretical basis for the protective jurisdiction of the chancery courts acting as part of the crown's power. As time passed, the monarchy used *parens patriae* more and more to justify its intervention in the lives of families and children by its interest in their general welfare.<sup>40</sup>

The chancery courts dealt with the property and custody problems of the wealthier classes. They did not have jurisdiction over children charged with criminal conduct. Juveniles who violated the law were handled within the framework of the regular criminal court system. Nonetheless, the concept of *parens patriae* grew to refer primarily to the responsibility of the courts and the state to act in the child's best interests.

### Poor Laws

English statutes that allowed the courts to appoint overseers over destitute and neglected children, allowing placement of these children as servants in the homes of the affluent.

### chancery courts

Court proceedings created in fifteenth-century England to oversee the lives of highborn minors who were orphaned or otherwise could not care for themselves.

### *parens patriae*

Power of the state to act on behalf of the child and provide care and protection equivalent to that of a parent.

## Childhood in America

While England was using its chancery courts and Poor Laws to care for children in need, the American colonies were developing similar concepts. The colonies were a haven for poor and unfortunate people looking for religious and economic opportunities denied them in England and Europe. Along with early settlers, many children came not as citizens but as indentured servants, apprentices, or agricultural workers. They were recruited from the various English workhouses, orphanages, prisons, and asylums that housed vagrant and delinquent youths during the sixteenth and seventeenth centuries.<sup>41</sup>

At the same time, the colonies themselves produced illegitimate, neglected, abandoned, and delinquent children. The colonies' initial response to caring for such unfortunate children was to adopt court and Poor Laws systems similar to those in England. Involuntary apprenticeship, indenture, and binding out of children became integral parts of colonization in America. For example, Poor Laws legislation requiring poor and dependent children to serve apprenticeships was passed in Virginia in 1646 and in Massachusetts and Connecticut in 1673.<sup>42</sup>

The master in colonial America acted as a surrogate parent; in certain instances, apprentices would become part of the nuclear family structure. If they disobeyed their masters, apprentices were punished by local tribunals. If masters abused apprentices, courts would make them pay damages, return the children to the parents, or find new guardians. Maryland and Virginia developed an orphan's court that supervised the treatment of youths placed with guardians and ensured they were not mistreated or taken advantage of by their masters. These courts did not supervise children living with their natural parents, leaving intact the parents' right to care for their children.<sup>43</sup>

By the beginning of the nineteenth century, as the agrarian economy began to be replaced by industry, the apprenticeship system gave way to the factory system. Yet the problems of how to deal effectively with growing numbers of dependent youths increased. Early American settlers believed that hard work, strict discipline, and rigorous education were the only reliable means to salvation. A child's life was marked by work alongside parents, some schooling, prayer, more work, and further study. Work in the factories, however, often taxed young laborers by placing demands on them that they were too young to endure. To alleviate a rapidly developing problem, the Factory Act of the early nineteenth century limited the hours children were permitted to work and the age at which they could begin to work. It also prescribed a minimum amount of schooling factory owners would provide.<sup>44</sup> This and related statutes were often violated, and conditions of work and school remained troublesome issues well into the twentieth century. Nevertheless, the statutes were a step in the direction of reform.

### Controlling Children

In America, as in England, moral discipline was rigidly enforced. "Stubborn child" laws were passed that required children to obey their parents.<sup>45</sup> It was not uncommon in the colonies for children who were disobedient or disrespectful to their families to be whipped or otherwise physically chastised. Children were often required to attend public whippings and executions because these events were thought to be important forms of moral instruction. Parents often referred their children to published works and writings on behavior and discipline and expected them to follow their precepts carefully. Because community and church leaders frowned on harsh punishments, child protection laws were passed as early as 1639 (in New Haven, CT). Nonetheless, these laws were generally symbolic and rarely enforced. They expressed the community's commitment to God to oppose sin; offenders who abused their children usually received lenient sentences.<sup>46</sup>

Although most colonies adopted a protectionist stance, few cases of child abuse were actually brought before the courts. There are several explanations for this



neglect. The absence of child abuse cases may reflect the nature of life in what were extremely religious households. Children were productive laborers and respected as such by their parents. In addition, large families provided many siblings and kinfolk who could care for children and relieve stress-producing burdens on parents.<sup>47</sup> Another view is that though many children were harshly punished in early American families, the acceptable limits of discipline were so high that few parents were charged with assault. Any punishment that fell short of maiming or permanently harming a child was considered within the sphere of parental rights.<sup>48</sup>

## The Child Saving Movement

Considering the rough treatment handed out to children who misbehaved at home or school, it should be no surprise that children who broke the law and committed serious criminal acts were dealt with harshly. Before the twentieth century, little distinction was made between adult and juvenile offenders. Although judges considered the age of an offender when deciding punishments, both adults and children were often eligible for the same forms of punishment—prison, corporal punishment, and even the death penalty. In fact, children were treated with extreme cruelty at home, at school, and by the law.<sup>49</sup>

Over the years, this treatment changed as society became sensitive to the special needs of children. Beginning in the mid-nineteenth century, as immigrant youth poured into America, there was official recognition that children formed a separate group with its own separate needs. Around the nation, in cities such as New York, Boston, and Chicago, groups known as **child savers** were formed to assist children in need. They created community programs to serve needy children and lobbied for a separate legal status for children, which ultimately led to the development of a formal juvenile justice system. The child-saving movement and the history of how the juvenile justice system developed will be discussed more fully in Chapter 12.

### LO8

Evaluate the child savers and the creation of delinquency

#### child savers

Nineteenth-century reformers who developed programs for troubled youth and influenced legislation creating the juvenile justice system; today some critics view them as being more concerned with control of the poor than with their welfare.



George Eastman House/Premium Archive/Getty Images

In 1920, parents accompany their 8-year-old son to a court appearance before a juvenile court judge. The boy was charged with stealing a bicycle.

### best interests of the child

A philosophical viewpoint that encourages the state to take control of wayward children and provide care, custody, and treatment to remedy delinquent behavior.

### LO9

Identify the elements of juvenile delinquency today

**Best Interests of the Child.** The current treatment of juvenile delinquents is a by-product of the developing national consciousness, enabled by the child savers during the nineteenth century. The designation “delinquent” became popular at the onset of the twentieth century when the first separate juvenile courts were instituted. The child savers believed that treating minors and adults equivalently violated the humanitarian ideals of American society. Consequently, the newly emerging juvenile justice system operated under the *parens patriae* philosophy. Minors who engaged in illegal behavior were viewed as victims of improper care, custody, and treatment at home. Dishonest behavior was a sign that the state should step in and control the youths before they committed more serious crimes. The state, through its juvenile authorities, should act in the **best interests of the child**. This approach means that children should not be punished for their misdeeds, but instead, should be given the care and custody necessary to remedy and control wayward behavior. It makes no sense to find children guilty of specific crimes, such as burglary or petty larceny because that stigmatizes them and labels them as thieves or burglars. Instead, the catchall term *juvenile delinquency* should be used because it indicates that the child needs the state’s care, custody, and treatment.

## The Legal Status of Delinquency

Though the child savers fought hard for a separate legal status of “juvenile delinquent” early in the twentieth century, the concept that children could be treated differently before the law can actually be traced back much farther to its roots in the British legal tradition. Early English jurisprudence held that children under the age of 7 were legally incapable of committing crimes. Children between the ages of 7 and 14 were responsible for their actions, but their age might be used to excuse or lighten their punishment. Our legal system still recognizes that many young people are incapable of making mature judgments and that responsibility for their acts should be limited. Children can intentionally steal cars and know full well that the act is illegal. Still, they may be incapable of fully understanding the consequences of their behavior and the harm it may cause. Therefore, the law does not punish a youth as it would an adult, and it sees youthful misconduct as evidence of unreasoned or impaired judgment.

Today, the legal status of “juvenile delinquent” refers to a minor child who has been found to have violated the penal code. Most states define “minor child” as an individual who falls under a statutory age limit, most commonly 17 or 18 years. Because of their minority status, juveniles are usually kept separate from adults and receive different considerations and treatment under the law. For example, most large police departments employ officers whose sole responsibility is youth crime and delinquency. Every state has some form of separate juvenile court with its own judges, probation department, and other facilities. Terminology is also different: Adults are tried in court; children are adjudicated. Adults can be punished; children are treated. If treatment is mandated, children can be sent to secure detention facilities; they cannot normally be committed to adult prisons.

Children also have their own unique legal status. Minors apprehended for a criminal act are usually charged as a juvenile delinquent, regardless of the crime they commit. These charges are usually confidential, trial records are kept secret, and the name, behavior, and background of delinquent offenders are sealed. Eliminating specific crime categories and maintaining secrecy are efforts to shield children from the stigma of a criminal conviction and to prevent youthful misdeeds from becoming a lifelong burden. Each state defines juvenile delinquency differently, setting its own age limits and boundaries. The federal government also has a delinquency category for youngsters who violate federal laws, but typically allows the states to handle delinquency matters.

## Legal Responsibility of Youth

In our society, the actions of adults are controlled by two types of law: criminal and civil. Criminal laws prohibit activities injurious to society's well-being and threaten the social order, such as drug use, theft, and rape; they are legal actions brought by state authorities against private citizens. Civil laws, on the other hand, control interpersonal or private activities and are usually initiated by individual citizens. The civil law is subject to the ownership and transfer of property, contractual relationships, and personal conflicts (torts). Also covered under civil law are provisions for the care and custody of those people who cannot care for themselves—the mentally ill, incompetent, or infirm.

Today, the juvenile delinquency concept occupies a legal status falling somewhere between criminal and civil law. Under *parens patriae*, delinquent acts are not considered criminal violations, nor are delinquents considered criminals. Children cannot be found guilty of crimes and punished like adult criminals. The legal action against them is considered more similar (though not identical) to a civil action determining their “need for treatment.” This legal theory recognizes that children who violate the law need the same care and treatment as law-abiding citizens who cannot care for themselves and require state intervention into their lives.

Delinquent behavior is sanctioned less heavily than criminality because the law considers juveniles as being less responsible for their behavior than adults. As a class, adolescents are believed to (a) have a stronger preference for risk and novelty, (b) assess the potentially negative consequences of risky conduct less unfavorably than adults, (c) have a tendency to be impulsive and more concerned with short-term than long-term consequences, (d) have a different appreciation of time and self-control, and (e) be more susceptible to peer pressure.<sup>50</sup> Although many adolescents may be more responsible and calculating than adults, under normal circumstances, the law is willing to recognize age as a barrier to having full responsibility for one's actions. Very young offenders' limited moral reasoning ability is considered when assessing their legal culpability. In *Timothy v. Superior Court*, a California appellate court clarified that some juvenile defendants may simply be too young to stand trial. The case involved an 11-year-old defendant prosecuted for stealing candy bars. The court ruled that the child was so immature that he could not understand the legal proceedings or assist in his own defense. In doing so, the justices overruled prior case law that held that children must have either a mental disorder or a developmental disability to be deemed incompetent to stand trial. In the words of the court:

As a matter of law and logic, an adult's incompetence to stand trial must arise from a mental disorder or developmental disability that limits his or her ability to understand the nature of the proceedings and to assist counsel . . . The same may not be said of a young child whose developmental immaturity may result in trial incompetence despite the absence of any underlying mental or developmental abnormality.<sup>51</sup>

The upper age of jurisdiction is defined as the oldest age at which a juvenile court has original jurisdiction over an individual for law-violating behavior. Today, most states and the District of Columbia have set the upper limit of juvenile court jurisdiction at age 17; after their 18th birthday, someone who commits crime is tried as an adult. In a few states, the cutoff is the juvenile's sixteenth or seventeenth birthday; some do not set a maximum age limit.<sup>52</sup> The trend has been to expand juvenile court jurisdiction over teens in trouble with the law by raising the age of jurisdictions. At one time, New York and North Carolina set their juvenile court age limit at 16, but they have now raised it to 17. In addition, five other states have raised the age of juvenile jurisdiction to cover all ages under 18: Connecticut started the trend in 2009, and Mississippi, Massachusetts, Illinois, and New Hampshire followed in 2010, 2012, 2013, and 2014, respectively.<sup>53</sup> The following International Delinquency feature looks at age ranges used abroad.

## Age of Criminal Responsibility: Minimum and Maximum

Across the world, a great deal of variation occurs in the minimum age at which a person can be held responsible for their criminal actions, ranging from a low of 6 years in Sri Lanka to a high of under 21 years in Indonesia. In most countries around the world, full adult criminal responsibility begins at age 18 or older. This general pattern is the same for the developed countries listed below:

| Age of Responsibility | Country Min. Age of Criminal Responsibility | Age of Adult Crimin. Responsibility |
|-----------------------|---|-------------------------------------|
| Australia             | 10  | 16–17                               |
| Austria               | 14  | 19                                  |
| Belgium               | 16  | 18                                  |
| Canada                | 12  | 18                                  |
| Denmark               | 15  | 15                                  |
| England               | 10  | 18                                  |
| France                | 13  | 18                                  |
| Germany               | 14  | 18                                  |
| Hungary               | 14  | 18                                  |
| Italy                 | 14  | 18                                  |
| Japan                 | 14  | 20                                  |
| The Netherlands       | 12  | 18                                  |
| New Zealand           | 14; 10 for murder and manslaughter          | 18                                  |
| Russia                | 16; 14 for certain crimes                   | 18                                  |
| Sweden                | 15  | 18                                  |
| Switzerland           | 10  | 15                                  |

Australia, England, and Switzerland have the lowest minimum age of criminal responsibility at 10 years, and Belgium has the highest at 16 to 18 years. Interestingly, in the United

States, 36 states have no set minimum age that a young person can be held criminally responsible. By common law, states may use 7 years as the minimum, but in practice, children under the age of 10 are rarely brought before a juvenile court.

In those countries in which the minimum age is high, such as Belgium (16 to 18 years), Denmark (15 years), or Sweden (15 years), what happens to young people below the minimum age who commit delinquent acts? Doing nothing is not an option in any of the developed countries. Instead, these young people are dealt with under various forms of child or social welfare or child protection legislation. Under these laws, young people may be placed in state-run homes, undergo counseling, or regularly report to a social worker.

In some countries, the minimum age can be lowered, typically when the offense is very serious. In New Zealand, the minimum age is 14, but if the offense is murder or manslaughter, the minimum age becomes 10. In Romania, the minimum age can be dropped from 16 to 14 if the young person is capable of understanding right from wrong.

### Critical Thinking

At what age do you think a child who commits a serious criminal act, such as murder, can be charged as an adult? Would it be right to sentence a 12-year-old killer to life in an adult prison?

SOURCE: Marcelo Aebi, Stefano Caneppele, Stefan Harrendorf, Yuji Hashimoto, Joerg-Martin Jehle, Tara Khan, Olivia Kühn, Chris Lewis, Lorena Molnar, Paul Smit Rannveig. *European Sourcebook of Crime and Criminal Justice Statistics, 2021* (6th ed.). Series UNILCRIM, (1)2021. Retrieved from: <https://wp.unil.ch/europeansourcebook/printed-editions-2/> Siobhan McAlister, Nicola Carr, Clare Dwyer, and Katrina Lloyd, "Raise the Age? Children's Attitudes Towards the Minimum Age of Criminal Responsibility (June 19, 2017). Access Research Knowledge, Number 113, June 2017, Available at SSRN: <https://ssrn.com/abstract=2988947>; Michael Tonry and Colleen Chambers, "Juvenile Justice Cross-Nationally Considered," in Barry Feld and Donna Bishop, eds., *The Oxford Handbook of Juvenile Crime and Juvenile Justice* (New York: Oxford University Press, 2012),

Youths share a lesser degree of legal responsibility than adults, but the line between juvenile and adult offenders is often blurred. Both juveniles and adults are subject to arrest, trial, and incarceration. Appeal courts, recognizing this overlap, have granted juveniles many of the same legal protections granted to adults accused of criminal offenses. These legal protections include the right to consult an attorney, to be free from self-incrimination, and to be protected from illegal searches and seizures.



## Trial in Adult Court: Waiver

Although appreciation of the criminal nature of the delinquency concept has helped increase the legal rights of minors, it has also allowed state authorities to declare that some offenders are “beyond control” and cannot be treated as children. This recognition has prompted the policy of **waiver**, or transferring legal jurisdiction over the most serious and experienced juvenile offenders to the adult court for criminal prosecution. To the dismay of reformers, waived youth may find themselves serving time in adult prisons. And while punishment is no more certain or swift once they are tried as adults, kids transferred to adult courts are often punished more severely than they would have been if treated as the minors they really are.<sup>54</sup>

While the Supreme Court ruled in *Roper v. Simmons* that juveniles cannot be sentenced to the death penalty. Nonetheless, it is legal to transfer youth to adult court and if they are convicted, they can be incarcerated in an adult prison for life as long as the judge considers their age before sentencing takes place (*Miller v. Alabama*).<sup>55</sup>

Consequently, thousands of youths under age 18 have their cases processed in adult criminal court each year due to prosecutorial or judicial waiver, statutory exclusion, or because they reside in states with a lower age of criminal jurisdiction. On a more positive note, the number of juveniles being treated as adults has been in decline. On any given day, an estimated 3,500 youths under 18 are inmates in adult jails; of these, 75% are being held as adults. The number of youths in adult jail has significantly declined since 2000, when more than 7,500 were locked in adult jails.<sup>56</sup>

So though the *parens patriae* concept is still applied to children whose law violations are not considered serious, the more serious juvenile offenders can be declared “legal adults” and placed outside the jurisdiction of the juvenile court.

### **waiver (also known as bindover or removal)**

Transferring legal jurisdiction over the most serious and experienced juvenile offenders to the adult court for criminal

### *Roper v. Simmons*

A juvenile under 18 years of age who commits a capital crime cannot face the death penalty.

### *Miller v. Alabama*

In this case, the Supreme Court held that mandatory life sentences, without the possibility of parole, are unconstitutional for juvenile offenders.

## Status Offenders

A child also becomes subject to state authority for committing **status offenses**—actions that would not be considered illegal if an adult had committed them; such conduct is illegal only because the child is underage. Typically, youth who commit status offenses are defined as children, who fall under the state’s statutory age limit, who, without cause:

- Has run away either from their parents’ home or some other authorized living condition
- Has continued and unexcused absences from school
- Has been drinking while underage
- Has been caught violating curfew
- Has purchased, used, or possesses tobacco products
- Is ungovernable, incorrigible, and beyond the control of one’s parents

Quite often, the language that defines status offenses is vague and undefined: The child is out of control, is disobedient, needs supervision, and engages in behavior that is dangerous to themselves or others.

These statutes also impose various sanctions on juveniles, including a monetary fine, suspension from school, and denial of a driver’s license. In Florida, it is unlawful for any person under 21 years of age to knowingly possess any tobacco product. For a first violation, the punishment is 16 hours of community service or a \$25 fine. In addition, the underage purchaser must attend a school-approved anti-tobacco program. A second violation within 12 weeks of the first violation gets a

### **LO10**

Define what is meant by the term *status offender*

### **status offense**

Conduct that is illegal only because the child is underage.

\$25 fine; for a third or subsequent violation within 12 weeks of the first violation, the teen can have their driver's license withheld, suspended, or revoked by the court.<sup>57</sup> Exhibit 1.2 sets out two typical status offense statutes.

## The History of Status Offenses

A historical basis exists for status offense statutes. It was common practice early in the nation's history to place disobedient or runaway youths in orphan asylums, residential homes, or houses of refuge.<sup>58</sup> In 1646, the Massachusetts Stubborn Child Law was enacted, which provided, "If any man have a stubborne and rebellious sonne of sufficient years and understanding, which will not obey the voice of his father or the voice of his mother, and that when they have chastened him will not harken unto them," they could bring him before the court and testify that he would not obey. If the magistrate then found the child to be unrepentant and incapable of control, such a child could be put to death.<sup>59</sup>

When the first juvenile courts were established in Illinois, the Chicago Bar Association described part of their purpose as follows:

The whole trend and spirit of the [1899 Juvenile Court Act] is that the State, acting through the Juvenile Court, exercises that tender solicitude and care over its neglected, dependent wards that a wise and loving parent would exercise with reference to his own children under similar circumstances.<sup>60</sup>

State control over a child's noncriminal behavior is believed to support and extend the *parens patriae* philosophy because it is assumed to be in the child's best interests. Typically, status offenders are petitioned to the juvenile court when it is determined that their parents are unable or unwilling to care for or control them and that the offender's behavior is self-destructive or harmful to society. Young teenage girls are much more likely to engage in precocious sex while under the influence of alcohol, especially if they are involved with older men. Parents may petition their underage daughter to juvenile court if they feel her sexual behavior is getting out of control and they are powerless to stop its occurrence. The case then falls within the jurisdiction of state legal authorities, and failure to heed a judicial command might result in detention in the juvenile correctional system.

### wayward minors

Early legal designation of youths who violate the law because of their minority status; now referred to as status offenders.

At first, juvenile codes referred to status offenders as **wayward minors**, sometimes failing to distinguish them significantly from juvenile delinquents. Both classes of children could be detained in the same detention centers and placed in the same youth correctional facilities. A trend begun in the 1960s has resulted in the creation of separate status offense categories—children, minors, persons, youths, or juveniles in need of supervision (CHINS, MINS, PINS, YINS, or JINS)—which vary from state to state. The purpose of creating separate status offender categories was to shield noncriminal youths from the stigma attached to the label "juvenile delinquent" and to signify that they were troubled youths who had special needs and problems. Most states now have separate categories for juvenile conduct that would not be considered criminal if committed by an adult; these sometimes pertain to neglected or dependent children as well.

Legally, delinquents and status offenders are considered independent concepts, but their distinction is often blurred. Some noncriminal conduct may be included in the definition of delinquency, and some less serious criminal offenses occasionally may be included within the status offender definition. Replacing a juvenile delinquency status with that of a status offense charge can be used as a bargaining chip by the state's attorney to encourage youths to admit to the charges against them in return for a promise of being treated as a (less stigmatized) status offender and therefore receiving less punitive treatment. Exhibit 1.3 summarizes the differences among delinquents, adult criminals, and status offenders.

## Exhibit 1.2

# Status Offense Laws: Kentucky and Wisconsin

### Kentucky

The court shall have exclusive jurisdiction in proceedings concerning any child living, or found within the district, who allegedly:

- (1) Has been a habitual runaway from his parent or person exercising custodial control or supervision of the child;
- (2) Is beyond the control of the school or beyond the control of parents;
- (3) Has been a habitual truant from school;
- (4) Has committed a tobacco offense;
- (5) Has committed an alcohol offense.

### Wisconsin

#### 8.13 Jurisdiction over children alleged to be in need of protection or services. Except as provided in s. 48.028

(3), the court has exclusive original jurisdiction over a child alleged to be in need of protection or services which can be ordered by the court if one of the following applies:

- (1) The child is without a parent or guardian.
- (2) The child has been abandoned.
- (2m) The child's parent has relinquished custody of the child.
- (3) The child has been the victim of abuse, including injury that is self-inflicted or inflicted by another.
- (3m) The child is at substantial risk of becoming the victim of abuse, including injury that is self-inflicted or inflicted by another, based on reliable and credible information that another child in the home has been the victim of such abuse.
- (4) The child's parent or guardian signs the petition requesting jurisdiction under this subsection and is unable or needs assistance to care for or provide necessary special treatment or care for the child.
- (4m) The child's guardian is unable or needs assistance to care for or provide necessary special treatment or care for the child, but is unwilling or unable to sign the petition requesting jurisdiction under this subsection.
- (5) The child has been placed for care or adoption in violation of law.
- (8) The child is receiving inadequate care during the period of time a parent is missing, incarcerated, hospitalized, or institutionalized.

- (9) The child is at least age 12, signs the petition requesting jurisdiction under this subsection and is in need of special treatment or care which the parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide.
- (10) The child's parent, guardian or legal custodian neglects, refuses or is unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.
- (10m) The child's parent, guardian or legal custodian is at substantial risk of neglecting, refusing or being unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to endanger seriously the physical health of the child, based on reliable and credible information that the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to endanger seriously the physical health of another child in the home.
- (11) The child is suffering emotional damage for which the parent, guardian or legal custodian has neglected, refused or been unable and is neglecting, refusing or unable, for reasons other than poverty, to obtain necessary treatment or to take necessary steps to ameliorate the symptoms.
- (11m) The child is suffering from an alcohol and other drug abuse impairment, exhibited to a severe degree, for which the parent, guardian or legal custodian is neglecting, refusing or unable to provide treatment.
- (13) The child has not been immunized as required by s. 252.04 and not exempted under s. 252.04 (3).
- (14) The child's parent is residing in a qualifying residential family-based treatment facility or will be residing at such a facility at the time of a child's placement with the parent in the facility, signs the petition requesting jurisdiction under this subsection, and, with the department's consent, requests that the child reside with him or her at the qualifying residential family-based treatment facility.

SOURCES: Kentucky Statutes, "Status Offenders: 630.020, Jurisdiction of Court." <https://docit.ky.gov/legal/documents/JuvenileLawbooklet.pdf>; Wisconsin Statutes, Children's Code § 48.13, <http://legis.wisconsin.gov/statutes/Stat0048.pdf> (URLs accessed Jan 2022).

### Exhibit 1.3

## Treatment Differences Among Juvenile Delinquents, Status Offenders, and Adults

|                                 | Juvenile Delinquent                                 | Status Offender                         | Adult          |
|---------------------------------|---|---|----------------|
| <b>Act</b>                      | Delinquent  | Behavior forbidden to minors            | Criminal       |
| <b>Enforcement</b>              | Police  | Police                                  | Police         |
| <b>Detention</b>                | Secure detention                                    | Nonsecure shelter care                  | Jail           |
| <b>Adjudication</b>             | Juvenile court                                      | Juvenile court                          | Criminal court |
| <b>Correctional Alternative</b> | Secure treatment in a facility for delinquent youth | Non-secure community treatment facility | Prison         |

### How Common Is Status Offending?

- It is extremely difficult to evaluate the annual number of status offenses. Most cases escape police detection, and social service agencies handle those that do not. However, there is little question that juveniles processed for status-type offenses have been in steep decline. About 90,000 of these status offenders are petitioned to juvenile court each year.<sup>61</sup> The number of status offenders petitioned to juvenile court has plunged in recent years, declining more than 50% since 2000. A number of status offense acts led the decline:
- The number of petitioned runaway cases processed by juvenile courts has decreased 64% since 2005.
- The number of petitioned truancy cases has declined 32%.
- Curfew violation cases declined 80%.
- The number of petitioned ungovernability cases has dropped 71%.
- The number of petitioned liquor law violation cases decreased 81%.<sup>62</sup>

### The Status Offender in the Juvenile Justice System

Why has such a significant decline occurred in the number of youth processed through the court system for status offending? The answer is most likely a combination of legal and social changes.

At first, a separate status offense category was designed to help teens avoid some of the stigma associated with the delinquency label. In reality, this distinction had relatively little practical effect on the child's treatment. Youths in either category could be picked up by the police and brought to a police station. They could be petitioned to the same juvenile court, where they have a hearing before the same judge and come under the supervision of the probation department, the court clinic, and the treatment staff. At a hearing, status offenders might see little difference between the treatment they receive and the treatment of the delinquent offenders sitting across the room. Although status offenders are usually not detained or incarcerated with delinquents, they can also be transferred to secure facilities if they are repeatedly unruly and considered uncontrollable or run-away risks. About 5% of all status offenders are placed in pretrial detention of some sort.

In some instances, this formal processing of status offenders was quite damaging. It actually increased the likelihood of future misbehavior and involvement with the



justice system. Many former status offenders accumulated delinquent arrests following their initial referral for a status offense.<sup>63</sup>

## Changing the Treatment of Status Offenders

Change in the treatment of status offenders began more than 40 years ago when the federal government's **Office of Juvenile Justice and Delinquency Prevention (OJJDP)**, an agency created to identify the needs of youths and fund policy initiatives in the juvenile justice system. OJJDP made it a top priority to encourage the removal of status offenders from secure lockups, detention centers, and post-disposition treatment facilities that also housed delinquent offenders. States in violation of the initiative are ineligible to receive any of the millions of dollars in direct grants for local juvenile justice annually awarded by the federal government. This initiative has been responsible for significantly lowering the number of status offenders kept in secure confinement.

Despite this mandate, juvenile court judges could still detain status offenders in secure lockups if the youths were found in contempt of court; they missed court dates or misbehaved if they did show up. Consequently, the act that created the OJJDP was amended in 1987 to allow status offenders to be detained and incarcerated for violations of valid court orders.<sup>64</sup> So despite efforts to do the opposite, children who did not engage in criminal activity continued to be detained in secure facilities for misbehaving in court or not dressing appropriately for their court appearance.<sup>65</sup> And, even when a state's legal code prohibited the housing of status offenders in secure facilities, status offenders who could no longer be legally detained were recycled or relabeled as delinquent offenders so they could be housed in secure facilities.<sup>66</sup> In some instances, status offenders were committed involuntarily and inappropriately to in-patient drug treatment facilities and psychiatric hospitals to get around the no secure detention policy.<sup>67</sup>

So a policy change designed to remove kids from secure confinement and protect them from stigma and labeling resulted in even more destructive negative labels being applied, e.g., substance abuser, mentally unstable, which resulted in confinement in even more secure and dangerous institutions.<sup>68</sup>

### Office of Juvenile Justice and Delinquency Prevention (OJJDP)

Branch of the U.S. Justice Department charged with shaping national juvenile justice policy through disbursement of federal aid and research funds.



Status offenses involve behaviors, such as drinking and smoking, that are forbidden to minors but legal for adults. Should a teen be placed in custody for underage smoking or running away or skipping school? Are such controls contrary to the ideals of freedom and liberty? Should legal minors be prohibited from engaging in desired behaviors and activities simply because of their age, and if so, what are they?

## Reforming Status Offense Laws

More than 40 years ago, both public and private social welfare institutions entered into the fray to truly alter the way status offenders are treated. In 1976, the federal government's National Advisory Commission on Criminal Justice Standards and Goals, a task force created to develop a national crime policy, opted for the nonjudicial treatment of status offenders: "The only conduct that should warrant family court intervention is conduct that is clearly self-destructive or otherwise harmful to the child." To meet this standard, the commission suggested that the nation's juvenile courts confine themselves to controlling five status offenses: habitual truancy, repeated disregard for parental authority, repeated running away, repeated use of intoxicating beverages, and delinquent acts by youths under the age of 10.<sup>69</sup> Since this call to reform, several other prestigious institutions began to work towards reforming status offense law. The American Bar Association's National Juvenile Justice Standards Project, designed to promote significant improvements in the way the police and the courts treat children, called for the end of juvenile court jurisdiction over status offenders: "A juvenile's acts of misbehavior, ungovernability, or unruliness which do not violate the criminal law should not constitute a ground for asserting juvenile court jurisdiction over the juvenile committing them."<sup>70</sup> The ABA issued this statement about reforming the juvenile status offender process:

Many teens come before the courts because of behavior that would not otherwise subject them to judicial involvement if they were adults. Lawyers should examine how law, prosecutorial policy, and court practice address youth who are chronic runaways, persistent school truants, or continually out-of-control at home. They should also examine how these interventions differ between boys and girls since there has been a significant increase in the number of girls entering the juvenile justice system. Special attention also needs to be given to the problem of and solutions to chronic truancy.<sup>71</sup>

These calls for reform prompted several states to experiment with replacing juvenile court jurisdiction over most status offenders with community-based treatment programs. Some jurisdictions, such as Connecticut, have completely reorganized the treatment of status offenders and now refer all status offense cases involving children under 16 to the Department of Children and Family Services as a Family With Service Needs (FWSN). The troubled youths and their families are now directed to community resources for assistance and treatment, and those with specific treatment needs are referred to family support centers for individualized, group, and family therapy. In others, the law provides for the coordinated utilization of a wide range of public and private social, educational, and court services at a local, regional, and statewide level. Kids cannot be placed in detention, though the juvenile court does retain authority over children who exhibit noncriminal behaviors, and although these children cannot be detained in a detention or correctional facility, they can be detained if they violate a court order because violation of a court order is a delinquent act.<sup>72</sup>

Another approach is to require alleged status offenders and their families be offered intervention and diversion services before status offense petitions may be filed in a court. Only after intervention services have been offered and failed may the social service agency or juvenile justice agency designated to provide prevention services determine if it is appropriate to seek court involvement. There have also been efforts to increase the upper age limit for status offense jurisdiction so that thousands more needy kids fall under the jurisdiction of the family court each year.<sup>73</sup>

Other jurisdictions have amended their laws to eliminate vague terms and language.<sup>74</sup>

So, the decline in the number of status offenders who find their way into juvenile court reflects these legal and social changes. The law now reflects that many status offenders, especially runaways living on the street, have serious emotional problems and engage in self-destructive behaviors ranging from substance abuse to self-mutilation and suicide.<sup>75</sup> They would be better off receiving treatment rather than punishment, and avoiding a legal system further stigmatizes these already troubled youths,

# Treating Delinquency

## The Southwest Keys Program

Key programs focus on unlocking the potential of youth and families through various residential and nonresidential program models and settings. Headquartered in Austin, Texas, Southwest Key Programs provides direct services through child welfare, mental health, juvenile justice, and educational systems. The success of their Austin Family Keys program prompted other applications around the United States; the program is now being used in Texas, Arizona, California, Georgia, New York and Florida.

Southwest Key's Youth and Family Services are based on the core principle that positive change can happen through therapeutic, educational, and community-based programs. Their programs are shaped by evidence-based practices and made successful by staff who come from the communities they serve. By providing alternatives, their programs enable at-risk youth to stay at home with their families and be involved in their communities.

Through their programs, young men and women are provided with structure and services that promote positive behaviors and experiences. Caseworkers partner with families to address individual, family, and community issues, such as helping with the transition back home from a correctional facility or institution, assisting parents with employment and childcare, and working with school staff to meet academic and personal needs. Their programs track youth's progress while holding them accountable for their actions.

Southwest Key's Youth and Family Services division also provides preventative programming, community engagement, and school-based programs. Program models include:

- Alternative Education Programs
- Home-Based Individual and Family Counseling Services

- Wraparound Case Management Services
- GPS and Face-to-Face Monitoring/Supervision Services
- Truancy Prevention Programs
- Leadership Development Programs

Southwest Key's model provides case management services that help prevent at-risk youth from repeat violations that could result in juvenile probation or detention. Youth and families are provided with a unique combination of support services designed to address the needs of their specific circumstances, discourage future acts of delinquent behavior, and promote positive youth development. The level of service provided is tailored to the individualized need of the particular youth and family referred to the program.

The model addresses the multiple contributing factors to a youth's potential detention, including but not limited to multiple violations, failure to attend school, and curfew violations. Casework staff work in partnership with the youth and family to address and overcome these factors, ultimately supporting their efforts to lead law-abiding and productive lives.

### Critical Thinking

How would you answer a critic who argues that all social programs should be cut and that social programs are a waste of time because they coddle youth which simply encourages future law violations?

SOURCES: Southwest Key Programs, <http://www.swkey.org/>; (URLs accessed Jan 2022).

exposes them to the influence of “true” delinquents, and enmeshes them in a system that damages their chances for future success. Changing status offense laws may also reflect contemporary adolescent behavior. Kids today routinely engage in what might have been considered dangerous and self-destructive in the past. Acts such as teen sex, drinking, and substance abuse have become normative and commonplace. It makes little sense to have the juvenile court intervene with kids who engage in what has become routine teenage behavior. Another problem: Males and those arrested by police were more likely to be petitioned as delinquents; females who had not yet been arrested were more likely to be treated as status offenders. Thus, the real difference between JDs and status offenders may be more indicative of how the system labels their behavior than actual offender behavior.<sup>76</sup> The Treating Delinquency feature above reviews one program designed to help status offenders adjust and thrive.

## Increasing Social Control over Youth

While there have been efforts to loosen control over youth, for example, by removing status offenders from juvenile court jurisdiction, some have suggested that the courts' failure to extend social control over wayward teens neglects the rights of concerned parents who are not able to care for and correct their children.<sup>77</sup> Others maintain that the status offense should remain a legal category so that juvenile courts can "force" a youth into receiving treatment.<sup>78</sup> Although it is recognized that a court appearance can produce negative stigma, the taint may be less important than the need for treatment.<sup>79</sup> In addition, concern over serious delinquency has resulted in laws that actually expand social control over juveniles.<sup>80</sup> What are some of these control-expanding efforts?

### Teen Curfews

Curfews became routine during the early days of the COVID crisis. But they are not new and have been used for more than a 100 years to exert greater control over wayward youth. The thought is that the opportunity to commit crimes will be reduced if troubled kids are given a curfew.

The first curfew law was created in Omaha, NE, in 1880, and today, about 500 U.S. cities have youth curfews. Curfews typically prohibit children under 18 from being on the streets after 11:00 p.m. during the week and after midnight on weekends. About 100 cities also have daytime curfews designed to keep children off the streets and in school.<sup>81</sup> In Jacksonville, FL, a curfew law applies to individuals under 18 and runs from:

- Sunday through Thursday 11:00 p.m.–5:00 a.m.
- Friday and Saturday 12:01 a.m.–5:00 a.m.<sup>82</sup>

In Dallas, TX the curfew law applies to individuals under 17:

- Sunday through Thursday 11:00 p.m.–6:00 a.m.
- Friday and Saturday 12:01 a.m.–6:00 a.m.
- School days 9:00 a.m.–2:30 p.m.<sup>83</sup>

Each year, thousands of youth are arrested for curfew violations, and police favor curfews as an effective tool to control vandalism, graffiti, nighttime burglary, and auto theft. Nonetheless, so far, there is little conclusive evidence that curfews have a significant impact on youth crime and violence rates. A few research studies show that curfews can reduce both theft and violent crime.<sup>84</sup> These are balanced by other empirical studies that find that curfews do not affect juvenile crime and substance abuse levels.<sup>85</sup> Results may be confounded by the fact that curfews may have an impact of the way crime is reported to police: people may be reluctant to report crimes if curfews are strictly enforced or if they fear getting involved in the criminal process if they report a crime.<sup>86</sup>

Some research efforts have even found that crime rates increased significantly during noncurfew hours after curfews were implemented. This indicates that rather than suppressing delinquency, curfews merely shift the offenses' occurrence time. Other studies have found that strict enforcement of curfew laws actually increases juvenile arrests and crime rates.<sup>87</sup>

The curfews' failure to control crime and their infringement on civil rights has prompted the American Civil Liberties Union to oppose the practice.<sup>88</sup> Other civil libertarians maintain that curfews are an overreaction to juvenile crime, that they are ineffective, and give the police too much power to control citizens who are being punished merely because of their age.<sup>89</sup>

There are several ongoing legal challenges to curfew laws. However, because the Supreme Court has not given guidance on the issue of youth curfews, some lower courts have upheld their constitutionality while others have struck them down. Typically, the legal issues challenged involve First Amendment rights. Curfew laws



limiting the movement of juveniles impede their ability to engage in activities protected by the First Amendment, including free speech, assembly, and association.<sup>90</sup>

Other challenges have been based on discriminatory enforcement. A lawsuit against the city of Rochester, NY, found that the ordinance enabled police to arrest and interrogate a disproportionate percentage of minority youth; 94% of those picked up on curfew violations were black or Hispanic.<sup>91</sup> The Massachusetts Supreme Judicial Court struck down provisions of a local curfew law that made it a crime for youth under 17 to be on the street after 11:00 PM unless accompanied by a parent or a guardian. While they let stand civil penalties that allowed individuals convicted of violating the curfew to be fined up to \$300, it is no longer permissible to charge curfew violators with a crime.<sup>92</sup>

## Disciplining Parents

In 2021, a 15-year-old boy named Ethan Crumbley entered Oxford High School in Michigan, with an automatic handgun and began firing outside the school bathroom. After students started running away, Crumbley proceeded down the hallway and shot inside classrooms and at students who hadn't escaped. Before law enforcement officers captured him, four students were dead and seven others wounded. While school shootings are not unusual, this case was different because Crumbley's parents were charged with involuntary manslaughter; prosecutors believed the parents' actions—buying Ethan a gun, taking him shooting, not securing the weapon, refusing to get him treatment—materially influenced his behavior and resulted in the death of innocent children.

While the Crumbley case is extreme, it is not uncommon that parents either know in advance the child's intentions, fail to supervise them, or actually aid and abet their children's criminality. Since the early twentieth century, laws have aimed at disciplining parents for contributing to the delinquency of a minor. The first of these was enacted in Colorado in 1903, and today, all states have some form of statute requiring parents to take some responsibility for their children's misbehavior.<sup>93</sup> All states make it either mandatory or discretionary for the juvenile court to require a parent or guardian to pay at least part of the support costs for a child who is adjudicated delinquent and placed out of the home. Even when the payment is required, it is based on the parent's financial ability to make such payments. During the past decade, approximately one-half of the states enacted or strengthened existing parental liability statutes that make parents criminally liable for the actions of their delinquent children. These laws generally fall into one of three categories:

- *Civil liability.* An injured party may bring a case against the parents for property damage or personal injury caused by their child.
- *Criminal liability.* The guardian or other adult may be held criminally responsible for contributing to the delinquency of a minor. These laws apply when an adult does some action that encourages delinquent behavior by a child.
- *General involvement.* These statutes are based upon legislative efforts to make parents more involved in the juvenile court process and include such things as requiring the parents to pay for court costs, restitution, and treatment, and to participate in the juvenile's case. Failure to comply with the parental involvement requirements can lead to more punitive sanctions.<sup>94</sup>

Within this general framework there is a great deal of variation in responsibility laws. Some states (Florida, Idaho, Virginia) require parents to reimburse the government for the costs of detention or care of their children. Others (Maryland, Missouri, Oklahoma) demand that parents make restitution payments—for example, paying for damage caused by their children who vandalized a school. All states have incorporated parental liability laws in their statutes, although most recent legislation places limits on recovery; in some states, such as Texas, Illinois, and California, the upward boundary can exceed \$25,000. Parents may also be held civilly liable, under

the concept of *vicarious liability*, for the damages their child causes. Parents can also be charged criminally if they should have known of the damage a child was about to inflict but did nothing to stop the misbehavior from occurring. One area of concern is when parents give a weapon to an emotionally unstable youth such as in Ethan Crumbley's case. A number of states hold parents criminally liable if they store a loaded firearm without security and their minor child uses the weapon to commit a crime; some have enhanced penalties if the minor causes injury or death. Other states make it a crime if a parent or custodian know that the child illegally possesses a firearm and fails to take it away or notify authorities. There are exceptions to these provisions, for example, if parents secure the gun but a child can overcome security.

Another recent effort is to make parents criminally liable for child's internet crimes, ranging from selling obscene photos of themselves online to hacking into corporate computer systems.

Some critics charge that these laws contravene the right to due process because they are unfairly used only against lower-class and minority parents. As legal scholar Elena Laskin points out, imposing penalties on these parents may be detrimental.<sup>95</sup> Forcing a delinquent's mother to pay a fine removes money from someone who is already among society's poorest people. If a single mother is sent to jail, it leaves her children, including those who are not delinquent, with no parent to raise them; the kids may become depressed and lose concentration and sleep. Even if punishment encourages the parent to take action, it may be too late; by the time a parent is charged with violating the statute, the child has already committed a crime, indicating that any damaging socialization by the parent has already occurred.<sup>96</sup> Finally, responsibility laws may not consider the child's age, leaving important questions unanswered: Are parents of older offenders equally responsible as those whose much younger children violate the law? Does an adolescent's personal share of responsibility increase with age? Despite these problems, surveys indicate that the public favors parental responsibility laws.<sup>97</sup>

## Summary

### **LO1** Distinguish between ego identity and role diffusion

- According to psychologist Erik Erikson, adolescence is a time of trial and uncertainty for many youths.
- According to Erikson, ego identity is formed when youths develop a full sense of the self, combining how they see themselves and how they fit in with others.
- Role diffusion occurs when people spread themselves too thin, experience personal uncertainty, and place themselves at the mercy of people who promise to give them a sense of identity they cannot develop for themselves.

### **LO2** Discuss the problems of youth in American culture

- Young people are extremely vulnerable to the negative consequences of school failure, substance abuse, and early sexuality.
- Adolescents and young adults often experience stress, confusion, and depression because of trouble and conflict occurring in their families, schools, and communities.
- The problems of American society and the daily stress of modern life have significantly affected our nation's youth as they go through their tumultuous teenage years.
- Many children suffer from chronic health problems and receive inadequate health care.
- Children live in substandard housing—high-rise, multiple-family dwellings—which can negatively influence their long-term psychological health.
- Although all young people face stress in the education system, the risks are greatest for the poor, children of color, and recent immigrants.
- Children of color usually attend the most underfunded schools, receive inadequate educational

opportunities, and have the fewest opportunities to achieve conventional success.

**LO3 Examine the recent social improvements enjoyed by American youth**

- Teenage birthrates nationwide have declined substantially during the past decade.
- More children are being read to by their parents than ever before.
- Fewer children with health risks are being born today than in 1990.

**LO4 Discuss why the study of delinquency is so important and what this study entails**

- The problems of youth in modern society are both a major national concern and an important subject for academic study.
- Though most juvenile law violations are minor, some young offenders are extremely dangerous and violent.
- Some youths involved in multiple serious criminal acts are referred to as lifestyle, repeat, or chronic delinquent offenders.
- The scientific study of delinquency requires understanding the nature, extent, and cause of youthful law violations and the methods devised for their control. The study of delinquency also involves analysis of the law enforcement, court, and correctional agencies designed to treat youthful offenders who fall into the arms of the law—known collectively as the juvenile justice system.

**LO5 Describe the life of children during feudal times**

- In Europe during the Middle Ages (roughly 500–1500 CE), the concept of childhood as we know it today did not exist.
- In the paternalistic family of the time, the father was the final authority on all family matters and exercised complete control over the family's social, economic, and physical well-being.
- Western culture did not have a sense of childhood as a distinct period of life until the very late nineteenth and early twentieth centuries.
- Discipline was severe during this period. Young children of all classes were subjected to stringent rules and regulations. They were beaten severely for any sign of disobedience or ill temper.
- The roots of the impersonal relationship between parent and child can be traced to high mortality rates, which made sentimental and affectionate relationships risky.

**LO6 Articulate the development of concern for children**

- Extended families gave way to the nuclear family structure with which we are familiar today.
- To provide more control over children, grammar and boarding schools were established and began to flourish in many large cities during this time.
- The philosophy of the Enlightenment stressed a humanistic view of life, freedom, family, reason, and law. The ideal person was sympathetic to others and receptive to new ideas.
- Under the apprenticeship system, children were placed in the care of adults who trained them to discharge various duties and obtain skills.
- Chancery courts became a significant arm of the British legal system.
- The *parens patriae* concept gave the state the power to act on behalf of the child and provide care and protection equivalent to that of a parent.

**LO7 Discuss childhood in the American colonies**

- The colonies adopted Poor Laws systems similar to those in England.
- Apprenticeship, indenture, and binding out of children became integral parts of colonization in America.
- In America, as in England, moral discipline was rigidly enforced. “Stubborn child” laws were passed that required children to obey their parents.
- Although judges considered the age of an offender when deciding punishments, both adults and children were often eligible for the same forms of punishment—prison, corporal punishment, and even the death penalty.

**LO8 Evaluate the child savers and the creation of delinquency**

- Child savers were nineteenth-century reformers who developed programs for troubled youth and influenced legislation creating the juvenile justice system.
- The designation “delinquent” became popular at the onset of the twentieth century when the first separate juvenile courts were instituted.
- The state, through its juvenile authorities, was expected to act in the child's best interests.
- This philosophical viewpoint encourages the state to take control of wayward children and provide care, custody, and treatment to remedy delinquent behavior.

## LO9 Identify the elements of juvenile delinquency today

- Today, the legal status of “juvenile delinquent” refers to a minor child who has been found to have violated the penal code.
- Most states define “minor child” as an individual who falls under a statutory age limit, most commonly 18 years of age.
- Because of their minority status, juveniles are usually kept separate from adults and receive different considerations and treatment under the law.
- Under *parens patriae*, delinquent acts are not considered criminal violations nor are delinquents considered criminals. Children cannot be found guilty of a crime and punished like adult criminals.
- Although youths share a lesser degree of legal responsibility than adults, they are subject to arrest, trial, and incarceration.

## LO10 Define what is meant by the term *status offender*

- A child also becomes subject to state authority for committing status offenses—actions that would not be considered illegal if perpetrated by an adult; such conduct includes running away, truancy, and disobedience.
- State control over a child’s noncriminal behavior is believed to support and extend the *parens patriae* philosophy because it is assumed to be in the best interests of the child.
- Separate status offense categories may avoid some of the stigma associated with the delinquency label, but they can have relatively little practical effect on the child’s treatment.
- Those in favor of retaining the status offense category point to society’s responsibility to care for troubled youths.

## Key Terms

ego identity, p. 5  
role diffusion, p. 5  
at-risk youth, p. 6  
major depressive episode (MDE), p. 7  
juvenile delinquency, p. 13  
chronic delinquent offenders, p. 13  
aging-out process, p. 13  
persistence, p. 13

juvenile justice system, p. 13  
paternalistic family, p. 14  
primogeniture, p. 15  
swaddling, p. 15  
Poor Laws, p. 17  
chancery courts, p. 17  
*parens patriae*, p. 17  
child savers, p. 19

best interests of the child, p. 20  
waiver, p. 23  
*Roper v. Simmons*, p. 23  
*Miller v. Alabama*, p. 23  
status offense, p. 23  
wayward minors, p. 24  
Office of Juvenile Justice and Delinquency Prevention (OJJDP), p. 27

## Questions for Discussion

1. Is it fair to have a separate legal category for youths? Considering how dangerous young people can be, does it make more sense to group offenders based on what they have done and not on their age?
2. At what age are juveniles truly capable of understanding the seriousness of their actions?
3. Is it fair to institutionalize a minor simply for being truant or running away from home? Should the jurisdiction of status offenders be removed from juvenile court and placed with the state department of social services or some other welfare organization?
4. Should delinquency proceedings be confidential? Does the public have the right to know who juvenile criminals are?
5. Can a get-tough policy help control juvenile misbehavior, or should *parens patriae* remain the standard?
6. Should juveniles who commit felonies such as rape or robbery be treated as adults?

## Viewpoint

As the governor of a large southern state, you have been asked by a young man’s family and friends to grant him a pardon. Nathaniel B. was convicted of second-degree

murder in 2015, when he was 16 years old, for killing his English teacher, Mr. James Barry. Tried as an adult, Nathan received a sentence of 30 years in the state penal

system. Nathaniel has admitted committing the crime, his motive: he was angry over receiving a failing grade and being suspended for throwing a book at his teacher. The failing grade and suspension ruined his chances for admission to a first-tier college. During the trial, Nathaniel's attorney claimed that the gun he carried to school to frighten Mr. Barry had gone off accidentally and he had no intention of inflicting harm. During the trial, Nathaniel's lawyer told the jury, "As he's holding the gun up, he's overwhelmed with tears. His hand begins to shake, and the gun accidentally discharges." The prosecutor countered that Nathaniel's act was premeditated. He was frustrated because of the F grade and suspension which felt was undeserved. His victim "had no idea of the rage, hate, the anger, the frustration" filling the young man. There was also damaging information from police, who reported that Nathaniel told a classmate he was going to return to school and shoot the teacher; he said he'd be "all over the news."

At his sentencing hearing, Nathaniel read a statement: "Words cannot really explain how sorry I am, but they're all I have." His mother, Polly, blamed herself for her son's actions, claiming that he was surrounded by domestic abuse and alcoholism at home.

Now that he has served more than half his sentence behind bars, Nathaniel's case has come to your attention. As governor, you recognize that his conviction and punishment raise several important issues. His mother claims that his actions were a product of abuse and violence in the home. You have read research showing that many habitually aggressive children have been raised in homes where their parents physically brutalized them; this violence persists into adulthood.

- Should the justice system punish troubled children, such as Nathaniel, again?
- Should Nathaniel be held personally responsible for actions that a home life beyond his control may have in fact caused?
- Even though he was only 15 years old when he committed his crime, Nathaniel's case was heard in an adult court, and he received a long sentence to an adult prison. Should minor children who commit serious crimes, as Nathaniel did, be treated as adults, or should they be tried within an independent juvenile justice system oriented to treatment and rehabilitation?
- Would you pardon Nathaniel now that he has served more than seven years in prison?

## Doing Research on the Web

Before you make your decision in Nathaniel's case, you might want to look at the website of Children's Rights (<http://www.childrensrights.org/>), a group that fights to enshrine in the law of the land every child's right to be protected from abuse and neglect and to grow up in

a safe, stable, permanent home. In addition, the Coalition for Juvenile Justice (CJJ) champions children and promotes community safety. The coalition's website (<http://www.juvjustice.org/>) provides information on judicial waiver.

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# 2

# The Nature and Extent of Delinquency

## Learning Objectives

- 1 Explain how the Uniform Crime Report (UCR) data are gathered and used
- 2 Discuss the concept of self-reported delinquency
- 3 Evaluate the utility of the National Crime Victimization Survey
- 4 List alternative measures of delinquent activity and behavior
- 5 Analyze recent trends in juvenile delinquency
- 6 Recognize the factors that affect the juvenile crime rate
- 7 Interpret the social and personal correlates of delinquency
- 8 Discuss the concept of the chronic offender
- 9 Identify the causes of chronic offending
- 10 Summarize the factors that predict teen victimization

## Chapter Outline

### Official Records: The Uniform Crime Report

The National Incident-Based Reporting System (NIBRS)  
Are the Official Statistics Valid?

### Self-Report Surveys

Are Self-Reports Valid?

### Victim Surveys: National Crime Victimization Survey (NCVS)

### What the Data Sources Tell Us

Juvenile Arrest Trends  
Self-Reported Findings  
Are the Data Sources Compatible?  
What the Future Holds

### Correlates of Delinquency

The Time, Place, and Nature of Delinquency  
Gender and Delinquency  
Peers and Delinquency  
Race and Delinquency  
Socioeconomic Status (SES), Poverty and Delinquency  
Age and Delinquency

### Chronic Offending: Careers in Delinquency

Delinquency in a Birth Cohort  
What Causes Chronic Offending?

### Juvenile Victimization

Juvenile Victimization Trends

## Chapter Features

**Focus on Delinquency:** Shaping Delinquency Trends

**International Delinquency:** Youth Crime and Victimization in Europe

**Focus on Delinquency:** COVID-19 and Delinquency



## Naomi, born in a poverty-stricken

urban neighborhood, suffered physical and sexual abuse before being placed in foster care at age 5. By 9, Naomi was shoplifting, skipping school, and violating curfew. At age 13, she physically assaulted her foster mother and entered the juvenile justice system with charges of disorderly conduct and being a habitual delinquent. Her foster home placement was terminated, and Naomi was sent to live with her aunt, uncle, and six cousins. It wasn't long before her relatives began to have additional concerns that Naomi was exhibiting sexualized behavior, "sneaking around" with her 17-year-old boyfriend, staying out all night, and being disrespectful. They felt she was out of control.

Naomi had been ordered by the juvenile court to cooperate with her family's household rules, attend school regularly, have no further law violations, complete 25 hours of community service, and pay restitution for the shoplifting. However, she refused to cooperate or attend any of the prescribed programs or services, continuing to come and go as she pleased. The family was receiving support from Naomi's intensive supervision program counselor and a family therapist. Still, during the second month of placement with her relatives, at 14, Naomi disclosed that she was pregnant and planning to keep her baby. The program counselor and other professionals involved in Naomi's case had to work with her and her family to reevaluate their plan.

Naomi was enrolled in a school specifically designed to support pregnant teens or already parenting. In addition to her academic studies to complete high school, she would receive help from parenting classes, independent living courses, and relationship counseling. Naomi also received services from a neighborhood intervention program that focused on providing structure and accountability for her through counselors and daily group meetings to encourage her. Even with these additional supports and interventions, Naomi continued to get involved in some minor status offenses: She skipped school, didn't come home on



Mamaduke St. John/Alamy Stock Photo

time, and would not follow household rules. Nonetheless, she had no involvement with more serious delinquent activities.

Naomi continued to live with her aunt and uncle and eventually completed her community service and restitution payment. After the baby was born, Naomi began to understand the consequences of her actions. With continued services and support from her counselors, she started following the rules and expectations of her family. Upon taking responsibility for finding the necessary medical and child care for her daughter, Naomi found employment—a position in retail—and started planning for her future. Despite being at high risk of dropping out, Naomi completed her high school education and had a positive view of her future. The team of involved professionals continued to provide the needed support and encouraged Naomi to make good decisions for herself and her baby. She still struggles at times but has remained free of further law violations.

Naomi received several interventions to address her issues, but it still took a long time for her to reduce her delinquent behavior. How long should the juvenile justice system give a young person to change? How many chances should a teen get? Do you think she would have likely been removed from her aunt and uncle's home if her criminal behavior had continued?

Many believe that adolescents are now committing very serious violent crimes, but teens like Naomi are solely involved in status offenses and petty crimes—shoplifting, smoking pot, spray painting their school. Others are more victims than offenders. Nonetheless, some youths commit crimes like robbery, rape, and even murder. Who commits these serious acts, and where are they most likely to occur? News stories about gang crime convince the public that juvenile crime is rampant. A rapid increase in the murder rate during the COVID epidemic, coupled with a spate of horrific crimes, including mass killings in schools, helped convince many Americans that youth crime and violence are out of control.

But does the media paint an accurate picture of what is really going on in the United States? Is the juvenile crime rate increasing or decreasing? Are juveniles more likely than adults to become victims of crime? To understand the causes of delinquent behavior and devise effective ways to reduce it, we must seek answers to these questions using accepted scientific data collection and analysis methods.

Most Americans rely on lurid news stories to form their impression of crime and delinquency. Considering the violent content of news programming, it's not surprising that more than one-third of Americans say they are afraid to walk alone in their neighborhood at night; about 70% of Americans still believe it is more dangerous today than a year ago.<sup>1</sup>

When experts want to learn more about the nature and extent of crime and delinquency, they do not rely on hearsay but use valid and reliable tools of crime measurement. Today, they typically rely on three primary sources of data: official records, victim surveys, and self-report surveys. It is important to understand how these data sets are collected to understand how delinquency is measured and what the data sources tell us about youth crime and victimization. Each issue is discussed in detail in this chapter.

### Federal Bureau of Investigation (FBI)

Arm of the U.S. Department of Justice that investigates violations of federal law, gathers crime statistics, runs a comprehensive crime laboratory, and helps train local law enforcement officers.

## LO1

Explain how the Uniform Crime Report (UCR) data are gathered and used

### Uniform Crime Report (UCR)

Compiled by the FBI, the UCR is the most widely used source of national crime and delinquency statistics.

#### Part I crimes

Offenses including homicide and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny, arson, and motor vehicle theft. Recorded by local law enforcement officers, these crimes are tallied quarterly and sent to the FBI for inclusion in the UCR.

#### Part II crimes

All crimes other than Part I crimes; recorded by local law enforcement officers, arrests for these crimes are tallied quarterly and sent to the FBI for inclusion in the UCR.

## Official Records: The Uniform Crime Report

Official counts of delinquent behavior involve cases that come to the attention of local, county, and state law enforcement agencies. Some of the most valuable information about delinquent behavior is the data collected from local law enforcement agencies by the **Federal Bureau of Investigation (FBI)** and published yearly in their **Uniform Crime Report (UCR)**.<sup>2</sup>

The UCR includes both criminal acts reported to local law enforcement departments and the number of arrests they make. The FBI receives and compiles records from more than 17,000 police departments serving most of the U.S. population. The FBI tallies and annually publishes the number of reported offenses by city, county, standard metropolitan statistical area, and geographical divisions of the United States for the most serious crimes; these are called **Part I crimes**: murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny, arson, and motor vehicle theft.

In addition to gathering these statistics, the UCR gathers data on the number and characteristics (age, race, and gender) of individuals arrested for these and all other crimes; these are called **Part II crimes**. This data is important for delinquency research because it shows how many minors are arrested each year.

The UCR uses three methods to express crime data. First, the number of crimes reported to the police is expressed as raw figures: in a single year, an estimated 1,200,00 violent crimes occur nationwide. Second, crime rates per 100,000 people are computed: each year, an estimated 370 violent crimes take place per 100,000 inhabitants.



This is the equation used:

$$\frac{\text{Number of Reported Crimes}}{\text{Total US Population}} \times 100,000 = \text{Rate per 100,000}$$

Third, the FBI computes changes in the crime rate and the number of crimes over time. For example, the UCR may find that the murder rate increased 12% over the preceding year.

Whenever crime complaints are found through investigation to be unfounded or false, they are eliminated from the actual count. However, the number of actual offenses known is reported to the FBI whether or not anyone is arrested, the stolen property is recovered, or prosecution ensues.

In addition, law enforcement agencies report how many crimes were cleared each month. Crimes are cleared in two ways: (1) when at least one person is arrested, charged, and turned over to the court for prosecution, or (2) by exceptional means, when some element beyond police control precludes the physical arrest of an offender (such as when the offender leaves the country). Data on the number of clearances involving the arrest of only juvenile offenders, data on the value of property stolen and recovered in connection with Part I offenses, and detailed information pertaining to criminal homicide are also reported. Traditionally, slightly more than 20% of all reported Part I crimes are cleared by arrest each year.

## The National Incident-Based Reporting System (NIBRS)

A redesign effort was undertaken beginning in 1982 to provide more comprehensive and detailed crime statistics than what was being gathered. The effort resulted in the **National Incident-Based Reporting System (NIBRS)**, a program that collects data on each reported crime incident. Instead of submitting statements of the kinds of crime that individual citizens report to the police and summary statements of resulting arrests, NIBRS requires local police agencies to provide at least a brief account of each incident and arrest, including the incident, victim, and offender information.

Under NIBRS, law enforcement authorities provide information to the FBI on each criminal incident involving 52 specific offenses, including the 8 Part I crimes, that occur in their jurisdiction; they also provide arrest information on the 52 offenses plus 10 lesser offenses. In addition to common-law crimes such as rape and murder, NIBRS reporting includes information on most of the criminal justice issues facing law enforcement today—terrorism, white-collar crime, information about assaults on law enforcement officers, offenses in which weapons were involved, drug/narcotic offenses, hate crimes, domestic and familial abuse including elder abuse, juvenile crime, gang-related crime, parental abduction, organized crime, and pornography, as well as arrest data related to driving under the influence.

NIBRS captures more detailed information than the original UCR. Data collected includes incident date and time, whether reported offenses were attempted or completed, expanded victim types, relationships of victims to offenders and offenses, demographic details, location data, property descriptions, drug types and quantities, the offender's suspected use of drugs or alcohol, the involvement of gang activity, and whether a computer was used in the commission of the crime. This data makes it possible to develop a national database on the nature of crime, victims, and criminals. It also does away with the hierarchy rule: if a person commits rape, robbery, and murder, all three crimes are counted. As a result, local crime rates may appear to be surging higher under NIBRS, though they are currently stable; NIBRS collects data on up to 10 offenses per incident.

The FBI is prioritizing the implementation of NIBRS, providing resources to help agencies address the cost of transitioning. It stopped collecting traditional UCR data

### National Incident-Based Reporting System (NIBRS)

Program that requires local police agencies to provide a brief account of each incident and arrest within 22 crime patterns, including incident, victim, and offender information.

and switched entirely to NIBRS in January 2021. However, similar to the UCR, summary data will still be available. The FBI will keep the historical data on record, and the data will continue to be publicly available for comparison's sake. The FBI will continue to publish UCR-type data converted from NIBRS data so the public and police agencies can continue trend analyses through the transitional years.

## Are the Official Statistics Valid?

Though the UCR and NIBRS are the primary sources of official crime data, experts have long questioned the data's accuracy. Less than half of all violent crimes and only one-third of property crimes are reported to the police.<sup>3</sup> One reason is a lack of confidence in law enforcement; some victims do not trust the police or believe in their ability to solve crimes. Cities in which people believe the police can help them are more likely to report crime.<sup>4</sup> Other victims, especially those without property insurance, believe it may be useless to report theft. Some victims fail to report because they fear reprisals from an offender's friends or family or, in the case of family violence, from their spouse, boyfriend, or girlfriend.<sup>5</sup>

The more serious the crime and the greater the loss, the more likely citizens will report crime to police.<sup>6</sup> If they are injured, especially if a weapon was involved, they are more likely to consider the incident serious and report it to the police. If the crime was completed, and the criminal got away with their wallet, purse, car, or package, reporting is more likely to occur. Crimes involving multiple offenders are also more likely to come to the attention of police than those with a single perpetrator.<sup>7</sup> Some victims believe that the incident was "a private matter," that "nothing could be done," or that the victimization was "not important enough."

People who are involved in criminal activities and have "dirty hands" are less likely to report crimes than those whose "hands are clean." The dirty hands may not be related to criminal activity: people who cheat on their spouse, drink excessively, or have other skeletons in the closet are less likely to call the police than their less deviant peers. Some crimes that directly influence children, such as child abuse, may be underreported considering the victims' age and ability to contact police authorities.

Another problem: local law enforcement agencies may make intentional and/or unintentional errors in their reporting practices. Some police commanders, whose hard-charging police commissioners apply intense pressure to reduce crime, manipulate crime statistics to show success.<sup>8</sup> Some police departments may alter record keeping to show they are effective at fighting crime and their methods are providing positive results.<sup>9</sup> Others may define crimes loosely—for example, reporting any assault on a woman as an attempted rape—whereas others pay strict attention to FBI guidelines.<sup>10</sup> And ironically, as the tech revolution has taken hold, police departments are getting better at recording and reporting crime. In some local jurisdictions, what appears to be a rising crime rate may simply be an artifact of improved police record-keeping ability!

While official data are used quite often in delinquency research, the data only represent the number of kids arrested, not how many actually commit delinquent acts. To remedy this flaw, researchers often rely on self-report data.

### LO2

Discuss the concept of self-reported delinquency

#### self-report survey

Questionnaire or survey technique that asks subjects to reveal their own participation in delinquent or criminal acts.

## Self-Report Surveys

The **self-report survey** is one of the most important tools to measure delinquency and youthful misconduct. These surveys ask kids to describe, in detail, their recent and lifetime participation in antisocial activity—for example, "How many times in the past year did you take something worth more than \$50?" In many instances, but not always, self-reports are given in groups, and the respondents are promised anonymity to ensure valid and honest responses.<sup>11</sup> But even when the reports are given individually, respondents are guaranteed that their answers will remain confidential.

In addition to questions about delinquent behavior, most self-report surveys contain questions about attitudes, values, and behaviors. There may be questions

about a participant's substance abuse history (e.g., how many times have you used marijuana?) and the participant's family history (e.g., did your parents ever strike you with a stick or a belt?). By correlating the responses, delinquency experts can analyze the relationships among values, attitudes, personal factors, and delinquent behaviors. Statistical analysis of the responses can be used to determine such issues as whether people who report being abused as children are also more likely to use drugs as adults or if school failure leads to delinquency.<sup>12</sup>

When self-report studies were first created and used, delinquency experts found that the number of children who break the law was far greater than official statistics had led them to believe.<sup>13</sup> In fact, when truancy, alcohol consumption, petty theft, and recreational drug use are included in self-report scales, delinquency appears to be almost universal. The most common offenses are truancy, drinking alcohol, using a false ID, shoplifting or larceny under five dollars, fighting, using marijuana, and damaging the property of others.

One way to improve self-reports' reliability is to use them consistently with different subjects over time. That makes it possible to measure self-reported crime and drug abuse trends to see whether changes have occurred. The Monitoring the Future (MTF) study is an indispensable source of self-report data. Researchers at the University of Michigan Institute for Social Research (ISR) have been conducting surveys annually since 1978. This national survey typically involves more than 2,500 high school seniors.<sup>14</sup> The MTF is considered the national standard to measure substance abuse trends among American teens.

The MTF data indicate that the number of adolescents who break the law is far greater than the number projected by official statistics. Almost everyone questioned is found to have violated a law at some time, including truancy, alcohol abuse, false ID use, shoplifting or larceny under \$50, fighting, marijuana use, and damage to the property of others. Furthermore, self-reports dispute the notion that criminals and delinquents specialize in one type of crime or another; offenders seem to engage in a mixed bag of crime and deviance.

## Are Self-Reports Valid?

Supporters of self-report surveys have produced data showing that they are a valid and important measure of delinquent and adult criminal behavior.<sup>15</sup> They have been used to measure past and current involvement in crime and have utility in predicting future career criminality.<sup>16</sup> There is also evidence that self-reports are valid with samples of both male and female offenders.<sup>17</sup> Their validity has been tested in the United States and abroad.<sup>18</sup> One method is the "known group" method that compares adolescents known to be offenders with those who are not official delinquents to see whether the former report more crime, which they should. Research shows that when people are asked whether they have ever been arrested or sent to court, their responses accurately reflect their true-life experiences.<sup>19</sup>

Critics of self-report studies frequently suggest that expecting kids to candidly admit illegal acts is unreasonable. Some surveys contain an overabundance of trivial offenses, such as shoplifting small items or using false identification to obtain alcohol, often lumped together with serious crimes to form a total crime index. Consequently, comparisons between groups can be highly misleading. Responses may be embellished by some subjects who wish to exaggerate the extent of their deviant activities and understated by others who want to shield themselves from possible exposure.

The "missing cases" phenomenon is also a concern. Even if 90% of a school population voluntarily participates in a self-report study, researchers can never be sure whether the few who refuse to participate or are absent that day make up a significant portion of the school's population of persistent high-rate offenders. Research indicates that offenders with the most extensive prior criminality are the most likely "to be poor historians of their own crime commission rates."<sup>20</sup> It is also unlikely that the most serious chronic offenders in the teenage population are willing to cooperate with researchers administering self-report tests.<sup>21</sup> Institutionalized youths, who are

not generally represented in the self-report surveys, are not only more delinquent than the general youth population but are also considerably more misbehaving than the most delinquent youths identified in the typical self-report survey. Consequently, self-reports may measure only nonserious, occasional delinquents while ignoring hard-core chronic offenders who may be institutionalized and unavailable for self-reports.

Reporting practices may differ among racial, ethnic, and gender groups. One study found that while girls are generally more willing to report drug use than boys, Hispanic girls tend to underreport substance abuse. Such gender/cultural differences in self-reporting can skew data and provide misleading results.<sup>22</sup>

In sum, though very widely used, self-report data must be interpreted with some caution. Asking subjects about their past behavior may capture more serious crimes but miss minor criminal acts; that is, people remember armed robberies and rapes better than they do minor assaults and altercations.<sup>23</sup> Some kids fabricate their criminal histories, while others (e.g., substance abusers) may have trouble accounting for their prior misbehavior.<sup>24</sup> Other factors influencing self-report validity are age, criminal history, currency of the reported event, IQ, education level, and variety of criminal acts. Despite these caveats, some of the most recent research supports the validity of the self-report method with both occasional and committed (e.g., gang members) delinquents.<sup>25</sup> They, therefore, remain a fixture in delinquency research methodology.

### LO3

Evaluate the utility of the National Crime Victimization Survey

#### National Crime Victimization Survey (NCVS)

The ongoing victimization study conducted jointly by the Justice Department and the U.S. Census Bureau that surveys victims about their experiences with law violations.

## Victim Surveys: National Crime Victimization Survey (NCVS)

An issue of interest for delinquency scholars is juvenile victimization. How many kids are victims each year, and who are the adolescents most likely to become crime victims? To address this issue, the federal government sponsors the **National Crime Victimization Survey (NCVS)**, a comprehensive, nationwide survey of victimization in the United States.<sup>26</sup>

The NCVS is administered to persons age 12 or older from a nationally representative sample of households, defined as a group of members who all reside at a sampled address. Persons are considered household members when the sampled address is their usual place of residence at the time of the interview and when they have no usual place of residence elsewhere. Once selected, households remain in the sample for three-and-a-half years, and eligible persons in these households are interviewed every six months, either in person or over the phone, for a total of seven interviews. Each year, data are obtained from a nationally representative sample of about 240,000 interviews on criminal victimization involving 160,000 persons in about 95,000 households.

The response rate is more than 80% for households and eligible persons.<sup>27</sup> Since the NCVS relies on a sample rather than a census of the entire U.S. population, the data are weighted to reflect population totals and to compensate for survey nonresponse and other aspects of the sample design.

Since its inception, the survey has undergone several significant modifications. In 1993, it was redesigned to provide detailed information on the frequency and nature of the crimes of rape, sexual assault, personal robbery, aggravated and simple assault, household burglary, theft, and motor vehicle theft. In 2006, significant methodological changes were made, including a new sampling method and changes in handling first-time interviews with households and the method of interviewing. Some selected areas were dropped from the sample and others were added. Finally, computer-assisted personal interviewing (CAPI) replaced paper-and-pencil interviewing (PAPI).

The NCVS estimates that each year, U.S. residents aged 12 or older experience about 20 million violent and property victimizations.<sup>28</sup> Like the UCR data, NCVS data show that criminal victimizations have declined significantly during the past 30 years. In 1973, an estimated 44 million victimizations were recorded, far higher than today; since 1993, the rate of violent victimization has declined about 80%.<sup>29</sup>

**Validity Issues** While it contains many underreported incidents, the NCVS may also suffer from validity issues. As a result, its findings must be interpreted with caution. Among the potential problems are the following:

- Overreporting due to victims' misinterpretation of events. A lost wallet may be reported as stolen, or an open door may be viewed as a burglary attempt.
- Underreporting due to the embarrassment of reporting crime to interviewers, fear of getting in trouble, or simply forgetting an incident.
- Inability to record the personal criminal activity of those interviewed, such as drug use or gambling; murder is also not included, for obvious reasons.
- Sampling errors, which produce a group of respondents who do not represent the nation as a whole.
- Inadequate question format that invalidates responses. Some groups, such as adolescents, may be particularly susceptible to error because of question format and wording.<sup>30</sup>

In addition to these primary sources of crime data, criminologists use other data in their studies. These are set out in Exhibit 2.1.

## LO4

List alternative measures of delinquent activity and behavior

### Exhibit 2.1

## Secondary Sources of Delinquency Data

In addition to the primary sources of crime data—UCR, NCVS, and self-report surveys—criminologists use several other methods to acquire data. Although this list is not exhaustive, the methods described here are routinely used in criminological research and data collection.

### Cohort Research Data

Collecting cohort data involves observing a group of people who share certain characteristics over time. Researchers might select all girls born in Boston in 1990 and then follow their behavior patterns for 20 years. The research data might include their school experiences, arrests, and hospitalizations, along with information about their family life (marriages, divorces, parental relations, for example). If the cohort is carefully drawn, it may be possible to accumulate a complex array of data for use in determining which life experiences are associated with criminal careers.

### Experimental Data

Sometimes criminologists conduct controlled experiments to collect data on the cause of crime. To carry out experimental research, criminologists manipulate, or intervene in, their subjects' lives to see the intervention's outcome or effect. True experiments usually have three elements: (1) random selection of subjects, (2) a control or comparison group, and (3) an experimental condition.

### Observational and Interview Research

Sometimes criminologists focus their research on relatively few subjects, interviewing them in depth or observing them

as they go about their activities. This research often results in in-depth data that large-scale surveys do not yield.

### Meta-analysis and Systematic Review

Meta-analysis involves gathering data from several previous studies. Compatible information and data are extracted and pooled together. When analyzed, the grouped data from several different studies provide a more powerful and valid indicator of relationships than the results provided by a single study. Similar to meta-analysis, a systematic review involves collecting the findings from previously conducted scientific studies that address a particular problem, appraising and synthesizing the evidence, and using the collective evidence to address a particular scientific question.

### Data Mining

A relatively new criminological technique, data mining uses multiple advanced computational methods, including artificial intelligence (the use of computers to perform logical functions), to analyze large data sets that usually involve one or more data sources. The goal is to identify significant and recognizable patterns, trends, and relationships that are not easily detected through traditional analytical techniques.

### Crime Mapping

Criminologists now use crime mapping to create graphical representations of the spatial geography of crime. Computerized crime maps enable criminologists to analyze and correlate a wide array of data to create immediate, detailed visuals of crime patterns.



**disaggregated**

Analyzing the relationship between two or more independent variables (such as murder convictions and death sentence) while controlling for the influence of a dependent variable (such as race).

## What the Data Sources Tell Us

Because the UCR arrest statistics are **disaggregated** (broken down) by suspect's age, they can help estimate adolescent delinquency. Juvenile arrest data must be interpreted with caution, however. First, the number of teenagers arrested does not represent the actual number of youths who have committed delinquent acts. Some offenders are never counted because they are never caught. Others are counted more than once because multiple arrests of the same individual for different crimes are counted separately in the UCR. Consequently, the total number of arrests does not equal the number of people who have been arrested. Put another way, if 1 million arrests of youths under 18 years of age were made in a given year, we could not be sure if 1 million individuals had been arrested once or if 250,000 chronic offenders had been arrested four times each. When an arrested offender commits multiple crimes, only the most serious one is recorded. In addition, we know that only 20% of crimes are cleared by arrest. If this ratio applies to juveniles, it is possible that the 2 million arrested juveniles committed 10 million crimes before they were apprehended.

Despite these limitations, the nature of arrest data remains constant over time: errors that took place in one year are repeated in the next. Hence, while the number of juvenile offenders cannot be calculated precisely, rates and trends in juvenile crime can be measured. Consequently, arrest data can provide some indication of the nature and trends in juvenile crime.

### Juvenile Arrest Trends

The latest data shows that about 10 million arrests are now being made each year. Of these arrests, about 500,000 were for serious Part I violent crimes, 1 million for serious Part I property crimes, and the rest for lesser offenses such as vandalism. Considering all serious and minor crimes, the highest number of yearly arrests are typically for drug abuse violations, larceny-theft, and driving under the influence.

Juveniles are now responsible for about 10% of the Part I violent crime arrests and about 11% of the arrests for the most serious property crimes, such as burglary, larceny, and car theft. Because kids ages 14 to 18, who account for almost all underage arrests, constitute about 6% of the population, these data show that teens account for a disproportionate share of all arrests for serious crime.

Even though teens are arrested more often than their older brothers and sisters, and despite how the media portrays a tidal wave of juvenile crime, there has been a significant decade-long decline in the number of juvenile arrests. The juvenile arrest rate began to climb in the 1980s, peaked during the mid-1990s, and

then began to fall; it has since been in decline. The number of juveniles arrested is now 50% lower than in 2010. And despite what the media leads us to believe, as Figure 2.1 shows this downward trend has been experienced by juveniles in every racial grouping.

Even teen arrests for murder declined during the past two decades. In 1997, 1,700 youths were arrested for murder, a number that declined by more than two-thirds until spiking up during the COVID crisis (Figure 2.2). How might this phenomenon be explained? The victims and perpetrators of violent crimes are more likely to know each other, and the COVID-19 crisis exacerbated any preexisting tensions. The COVID-19 crisis may have reduced the number of police on call and reduced their ability to respond to conflicts. It's also possible that lack of confidence in law enforcement in some areas translated into a reluctance to call police, hence perpetrators are free to repeat their offense, escalating until an assault turns into a murder.

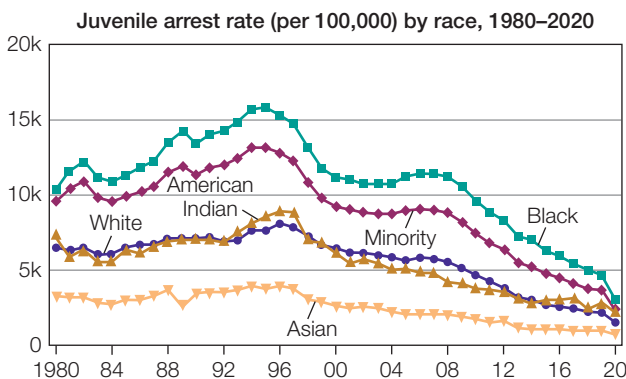


Figure 2.1

### Juvenile Arrest Trends by Race

SOURCE: OJJDP Statistical Briefing Book: <https://www.ojjdp.gov/ojstatbb/offenders/qa03105.asp?qaDate=2020>. (2021).

## Self-Reported Findings

One important source of longitudinal self-report data is the Monitoring the Future (MTF) study that researchers at the University of Michigan Institute for Social Research (ISR) have been conducting annually since 1978. This national survey, which typically involves thousands of randomly selected high school students, is one of the most important sources of self-report data on drug abuse.<sup>31</sup> A subsample of respondents is also asked about their self-reported delinquency.

According to the MTF survey, in an average year, a surprising number of teenagers report involvement in serious criminal behavior: almost 10% report hurting someone badly enough that the victim needed medical care (4% of them say they did it more than once); about 20% report stealing something worth less than \$50; and another 7% steal something worth more than \$50; more than 20% report shoplifting one or more times; 7% damage school property, 4% more than once.<sup>32</sup>

If the MTF data are accurate, the crime problem is much greater than official statistics would lead us to believe. More than 40 million youths are between the ages of 10 and 19. Extrapolating from the MTF findings, this group accounts for more than 100% of all the theft offenses reported in the UCR. About 3% of adolescents typically say they used force to steal (which is the legal definition of a robbery). Two-thirds of them said they committed this crime more than once a year. At this rate, adolescents alone commit more than 1.6 million robberies per year. In comparison, the UCR now tallies about 270,000 robberies for all age groups yearly. Clearly, the official crime data significantly undercount the annual incidence of serious crimes.

What factors account for change in the crime and delinquency rates? This topic is covered in the Focus on Delinquency box entitled “Shaping Delinquency Trends.”

## Are the Data Sources Compatible?

Each source of crime data has strengths and weaknesses. The FBI survey contains data on the number and characteristics of people arrested, information that the other data sources lack. It is also the source of information on particular crimes, such as murder, which no other data source can provide.<sup>33</sup> While used extensively, the UCR omits the many crimes that victims choose not to report to police and relies on the reporting accuracy of individual police departments.

The NCVS includes unreported crimes missed by the UCR and also contains important information on victims’ personal characteristics. However, the data consist of estimates made from relatively limited samples of the total U.S. population, so even narrow fluctuations in the rates of some crimes can have a major impact on findings. The NCVS also relies on personal recollections that may be inaccurate. It does not include data on important crime patterns, including murder and drug abuse.

Self-report surveys provide useful information because questions on delinquent activity are often supplemented with items measuring the personal characteristics of offenders, such as their attitudes, values, beliefs, and psychological profiles. Self-reports can also be used to measure drug and alcohol abuse; these data are not included in the UCR and NCVS. Yet, at their core, self-reports rely on the honesty of criminal offenders and drug abusers, a population not generally known for accuracy and integrity.

Estimated number of homicide victims of juvenile offenders, 1980–2020

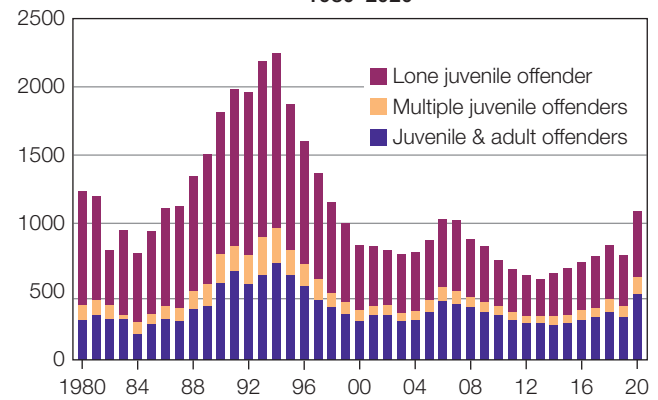


Figure 2.2

- In the last year, murders by juveniles acting alone increased 30%, murders involving multiple juvenile offenders increased 65%, and murders committed by juveniles and adults increased 56%.
- In the 1980s, 25% of the murders involving a juvenile offender also involved an adult offender. This proportion grew to 41% in the 2010s, and reached 43% in 2020.

SOURCE: OJJDP Statistical Briefing Book. : <https://www.ojjdp.gov/ojstatbb/offenders/qa03105.asp?qaDate=2020>. Released on December 09, 2021.

### LO6

Recognize the factors that affect the juvenile crime rate

# Focus on Delinquency

## Shaping Delinquency Trends

Delinquency experts have identified various social, economic, personal, and demographic factors influencing juvenile crime rates. The most important influences on delinquency rates are discussed here.

### Age

Because teenagers have relatively high crime rates, crime experts view changes in the population age distribution as having the greatest influence on crime trends: As a general rule, the crime rate follows the proportion of young males in the population. Kids who commit a lot of crime early in childhood are also likely to continue committing it in their adolescence and adulthood. The more teens in the population, the higher the crime rate. However, the number of senior citizens is also expanding, and their presence in the population may moderate crime rates (seniors do not commit much crime), offsetting the effect of teens.

### Economy/Jobs

There is debate over the effect the economy has on crime rates. It seems logical that when the economy turns down, people (especially those who are unemployed) will become more motivated to commit theft crimes. Kids who find it hard to get after-school jobs or find employment after they leave school may be motivated to seek other forms of income, such as theft and drug dealing. As the economy heats up, delinquency rates should decline because people can secure good jobs—why risk breaking the law when there are legitimate opportunities?

However, this issue is far from settled. A poor economy, like that experienced during the height of the COVID crisis, may help lower delinquency rates because it limits kids' opportunity to commit crime. Unemployed parents are at home to supervise children and guard their possessions, and because there is less money to spend, people have fewer valuables worth stealing. Law-abiding kids do not suddenly begin to violate the law just because there is an economic downturn.

Although the economy's effect on delinquency rates is still in question, it is possible that a strong economy will help lower delinquency rates over the long haul, while long periods of sustained economic weakness and unemployment may eventually lead to increased rates. Crime skyrocketed in the 1930s during the Great Depression; crime rates fell when the economy surged for almost a decade during the 1990s.

Also, economic effects may be very localized: people in one area of the city are doing well, but people living in another part of town may be suffering unemployment. The economic effect on the delinquency rates may vary by neighborhood or street.

### Immigration

Immigration has become one of the most controversial issues in American society. One reason those who want to tighten immigration laws give is that immigrants have high crime rates and should be prevented from entering the country. However, the most empirically sound research indicates that immigrants are actually less violent and criminal than the general population. Mexican immigrants, for example, experience lower violence rates than their native-born counterparts. Immigration reduces overall levels of homicides and drug-related homicides more specifically. In sum, as the number of immigrants in the population increases, the overall delinquency may decline.

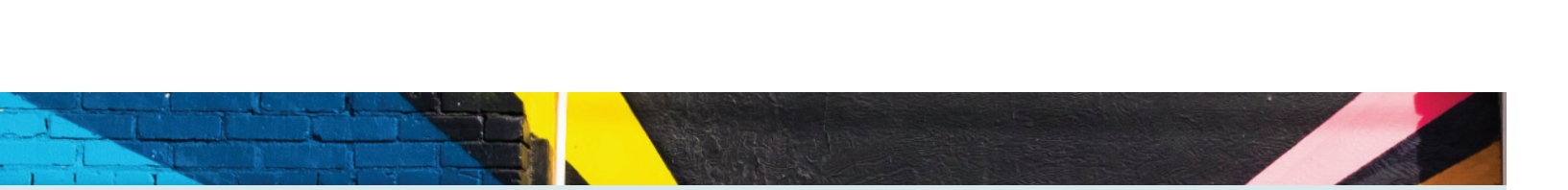
### Social Problems

As the level of social problems increases—such as single-parent families, dropout rates, racial conflict, and teen pregnancies—so do delinquency rates. Delinquency rates correlate with the number of unwed mothers in the population. Children of unwed mothers may need more social services than children in two-parent families. As the number of kids born to single mothers increases, the child welfare system is taxed and services depleted. The teenage birth-rate has trended downward in recent years, and so have delinquency rates.

Racial conflict may also increase delinquency rates. Areas undergoing racial change, especially those experiencing a migration of people of color into formerly white neighborhoods, seem prone to significant increases in their delinquency rate. Whites in these areas may be using violence to protect what they view as their home turf. Racially motivated crimes diminish as neighborhoods become more integrated and power struggles are resolved.

### Abortion

There is evidence that the drop in the delinquency rate is linked to the availability of legalized abortion. In 1973, *Roe v. Wade* legalized abortion nationwide, and the drop in the crime rate began approximately 18 years later, in 1991. According



to John Donohue and Steven Levitt, widely cited research, crime rates began to decline when the first groups of potential offenders affected by the abortion decision began reaching the peak age of criminal activity. According to the Donohue and Levitt version, because these children were unwanted, they would not have gotten the care and concern afforded wanted children. Secondly, if fewer women were bringing children to term more services would be available for those not terminated.

While the abortion–crime association is still being debated, the Supreme Court overturning *Roe v. Wade* may mean the end to choice in many states and a projected increase in the delinquency rate 17 years from now.

### Guns

The availability of firearms may influence the delinquency rate, especially the proliferation of weapons in the hands of teens. Surveys of high school students indicate that between 6% and 10% carry guns at least some of the time. Guns also cause an escalation in the seriousness of delinquency. As the number of gun-toting students increases, so does the seriousness of violent delinquency: A schoolyard fight may turn into murder.

During the COVID crisis, school closings and sequestering may have heightened tensions and affected gun violence. There was a significant increase in interpersonal gun violence. In 2020, gun violence killed nearly 20,000 people; 24,000 people died by suicide with a gun. This increase represented the highest one-year increase in homicides on record. Some of the nation's largest cities suffered a 30% spike in gun-related deaths. Gunshot injuries also rose to nearly 40,000, over 8,000 more than in 2017. One cause of the 2020 rise in gun violence was a matching increase in gun ownership: people purchased about 23 million guns, a 64% increase over 2019 sales. In the wake of some horrendous mass murders, a bipartisan agreement has emerged that gun laws need reform and the legal age required to purchase weapons such as an AR-15 raised to 21.

### Gangs

Another factor that affects delinquency rates is the explosive growth in teenage gangs. Surveys indicate more than 800,000 gang members in the United States. Boys who are members of gangs are far more likely to possess guns than nongang members; criminal activity increases when kids join gangs.

### Drug Use

Some experts tie increases in the violent delinquency rate between 1980 and 1990 to the crack epidemic, which swept the nation's largest cities, and drug-trafficking gangs fighting over drug turf. These well-armed gangs did not hesitate to use violence to control territory, intimidate rivals, and increase market share. As the crack epidemic subsided, so too did the violence rates in New York City and other metropolitan areas where crack use was rampant. A sudden increase in drug use, such as fentanyl, may be a harbinger of future increases in the delinquency rate.

### Media

Some experts argue that violent media can influence the direction of delinquency rates. The introduction of home video players, DVDs, cable TV, computers, and video games coincided with increasing teen violence rates. Perhaps the increased availability of media violence on these platforms produced more aggressive teens? Watching violence on TV may be correlated with aggressive behaviors, especially when viewers have a preexisting tendency toward delinquency and violence. Research shows that the more kids watch TV, the more often they get into violent encounters.

### The Internet

Kids today are online constantly, and cases of suicide linked to online bullying have become routine. In addition to the emotional effects generated by social media, the internet can provide a venue that increases delinquent behaviors. Gangs now use the net to communicate with and recruit new members. The instrumentalities for crime can also be found on the net. The internet has become a prime purveyor of prescription drugs, some of which can be dangerous when used to excess or fall into the hands of minors. Many websites advertising or selling controlled prescription drugs such as Oxycontin, Valium, Xanax, Vicodin, Ritalin, and Adderall, do not require a prescription. One survey of more than 11,000 online drug outlets found that about 96% are noncompliant with federal and state laws or National Association of Boards of Pharmacy (NABP) safety and pharmacy practice standards. Relatively few require that the patient provide a doctor's prescription; about half only require an original prescription. This system allows prescriptions to be faxed, giving buyers the opportunity for multiple purchases with a single script. It also makes it easier for underage minors to obtain legal and illegal drugs.

(continued)



## Juvenile Justice Policy

Some law enforcement experts have suggested that a reduction in delinquency rates may be attributed to increased numbers of police officers and aggressive police practices aimed at reducing gang membership, gun possession, and substance abuse. It is also possible that tough laws, such as waiving juveniles to adult courts or sending them to adult prisons, can affect crime rates. The fear of punishment may inhibit some would-be delinquents, and tough laws place many chronic juvenile offenders behind bars, lowering delinquency rates.

## COVID-19

The upheaval caused by the COVID-19 virus may have significantly affected the decades-long reduction in serious, violent juvenile delinquency. Murder rates have risen in most major cities, and some experienced an unprecedented increase in violent crimes, including homicide.

### Critical Thinking

Although juvenile delinquency rates have been declining in the United States, they have been increasing in Europe. Is

it possible that factors that correlate with delinquency rate changes in the United States have little utility in predicting changes in other cultures? What other factors may increase or reduce delinquency rates?

SOURCES: Kristin Butcher and Anne Morrison Piehl, "Crime, Corrections, and California: What Does Immigration Have to Do with It?" Public Policy Institute of California, 2008, <http://www.ppic.org/main/publication.asp?i=776> (accessed Jan 2022); Meghan Ross, "Almost All Online Pharmacies Are Unsafe, Unlawful" Pharmacy Times, <https://www.pharmacytimes.com/view/almost-all-online-pharmacies-are-unsafe-unlawful> (Accessed July 2021); Douglas A. McIntyre, "Guns in America: Nearly 40 million guns were purchased legally in 2020 and another 4.1 million bought in January," USA Today, February 10, 2021 <https://www.usatoday.com/story/money/2021/02/10/this-is-how-many-guns-were-sold-in-all-50-states/43371461/>; Richard Rosenfeld and Ernesto Lopez. Pandemic, Social Unrest, and Crime in U.S. Cities: March 2021 Update. Washington, D.C.: Council on Criminal Justice, May 2021 [https://counciloncj.org/wp-content/uploads/2021/11/Pandemic\\_Social\\_Unrest\\_and\\_Crime\\_in\\_US\\_Cities\\_-\\_March\\_2021\\_Update.pdf](https://counciloncj.org/wp-content/uploads/2021/11/Pandemic_Social_Unrest_and_Crime_in_US_Cities_-_March_2021_Update.pdf). Gary L. Shoemaker, "Crime, Teenage Abortion, and Unwantedness," *Crime and Delinquency*, 63 (2017): 1458–1490; Graham Ousey and Charis Kubrin, "Immigration and the Changing Nature of Homicide in US Cities, 1980–2010," *Journal of Quantitative Criminology* 30:453–483 (2014); Bianca Bersani, "A Game of Catch-Up? The Offending Experience of Second-Generation Immigrants," *Crime and Delinquency* 60:60–84 (2014); David Weisburd, Cody Telep, and Brian Lawton, "Could Innovations in Policing Have Contributed to the New York City Crime Drop Even in a Period of Declining Police Strength? The Case of Stop, Question and Frisk as a Hot Spots Policing Strategy," *Justice Quarterly* 31:129–153 (2014); Jeremy Staff, D. Wayne Osgood, John Schulenberg, Jerald Bachman, and Emily Messersmith, "Explaining the Relationship Between Employment and Juvenile Delinquency," *Criminology* 48:1101–1131 (2010); Brad Bushman and Craig Anderson, "Media Violence and the American Public," *American Psychologist* 56:477–489 (2001); John J. Donohue III and Steven D. Levitt, "The Impact of Legalized Abortion on Crime," *Quarterly Journal of Economics* 116:379–420 (2001).

Although their tallies of delinquency are certainly not in synch, the patterns and trends measured by various data sources are often quite similar: When the UCR shows a drop in illegal activity, so too does the NCVS. They all generally agree about the personal characteristics of serious delinquents (i.e., age and gender) and where and when delinquency occurs (i.e., urban areas, nighttime, and summer months). Because the measurement problems inherent in each source are consistent over time, the sources are reliable indicators of changes and fluctuations in delinquency rates.

The following International Delinquency feature explores the nature and trends of delinquent behavior in Europe.

## What the Future Holds

Today, about 330 million people live in the United States, about 74 million of whom are 17 and under. Although many come from supportive homes, others lack stable families and adequate supervision; these are some of the children who will soon enter their prime crime years. Though teen violence may increase, it is unlikely that this will translate into skyrocketing crime rate increases because the effect of teenage crime is offset by the growing number of relatively crime-free senior citizens.

Of course, prognostications, predictions, and forecasts reflect contemporary conditions that can change at any time due to the sudden emergence of war, terrorism, social unrest, economic meltdown, and the like. Technological developments such as e-commerce on the internet have created new classes of crime that traditional crime measurement methods do not record. It's possible that some crimes, such as fraud, larceny, prostitution, obscenity, vandalism, stalking, and harassment, have increased over the internet while falling under the radar of official crime data.

The COVID epidemic produced drastic changes in crime and delinquency, a topic covered in the following Focus on Delinquency.

## Youth Crime and Victimization in Europe

There has been an increase in both juvenile victimization and juvenile criminality in Europe. Some of the change was brought about by the COVID epidemic.

One of the most alarming developments in juvenile victimization has been the involvement of children in the international sex trade. Even before its universally condemned invasion of the Ukraine in 2022, Russia was plagued with internet sex rings that involve youths in pornographic pictures. In Moscow, more than 800 tapes and videos were seized during Operation Blue Orchid, a joint operation conducted by Russian police and U.S. Customs agents who at that time were still cooperating. Operation Blue Orchid led to criminal investigations against people who ordered child pornography in more than 20 nations. Equally disturbing has been the involvement of European youths in global prostitution rings. Desperate young girls and boys in war-torn areas such as the former Yugoslavia and impoverished areas such as Eastern Europe have become involved with gangs that ship them around the world. In one case, an organized crime group involved in wildlife smuggling of tiger bones and skins to Asian markets began a sideline of supplying sex clubs with young Russian women. In another case, due to a 12-nation crackdown on the trafficking of women for sex commerce, the Southeast European Cooperative Initiative in Bucharest, Romania, identified hundreds of victims of trafficking. As COVID-19 caused a global economic downturn and increased the number of individuals vulnerable to human trafficking. Human traffickers targeted the growing number of people, especially youth, who could not mitigate, adapt to, or build resilience against the worsening economic and social effects; they also exploited situations where screening and identification of victims became even more difficult. Traffickers targeted families experiencing financial difficulties and offered false promises and fraudulent job offers to recruit their children, while other families exploited or sold their children to traffickers to support themselves financially. Business owners and landlords pressured individuals to take out loans in exchange for cheap labor or commercial sexual exploitation. Additionally, traffickers sought to re-exploit survivors who became financially unstable and vulnerable to revictimization.

In addition to being victimized, extreme youth-related violence is not uncommon in Western Europe. Like the U.S.,

Europe has experienced its share of school shootings. In 2008 in Erfurt, Germany, a 19-year-old male, armed with a pump-action shotgun and a handgun, entered his high school and killed 14 teachers, two students, and a police officer; he then took his own life. The following year, a worse massacre occurred in the Albertville-Realschule school in southwestern Germany when 17-year-old Tim Kretschmer, who had graduated a year earlier, entered the building and killed 16 students and teachers before taking his own life.

Violence by far right, anti-immigrant groups has also plagued Germany since its reunification in 1989. Most German neo-Nazi identifiers are social misfits with minimal education and few employment opportunities. Because unemployment is high, they feel helpless and hopeless regarding their future, and they often resort to physical violence in response to their plight. Most of the increase in German youth violence has occurred in what was communist East Germany before the reunification. Youth violence in the east is considerably higher than in the west, a factor linked to the exposure of eastern youth to greater poverty and unemployment than their West German peers.

What has fueled these acts of teen violence? Although each nation is quite different, all share an explosive mix of racial tension, poverty, envy, drug abuse, broken families, unemployment, and alienation. Some of the areas hardest hit have been undergoing rapid social and economic change. These changes include the fall of communism, the end of the Cold War, the effects of the global economy, and an influx of multinational immigration. They are occurring as the country moves toward increased economic integration, privatization, and diminished social services. In Europe, the main reason for an increase in teen violence is the tremendous growth in immigrant youth populations. This increase is not because immigrants are more prone to violence but rather because of the relative poverty and social disintegration they face upon arriving in very homogenous countries such as Sweden, the Netherlands, and Germany. Some believe this view is one of the main reasons for Europe's growth in total violent crime rates (adult plus juvenile). The result of these rapid changes has been the development of personal alienation in an anomic environment.

*(continued)*

## Critical Thinking

Teenagers have perpetrated mass shootings in many European countries, including England and Russia. Many of these nations have far more restrictive gun purchase and possession laws. Considering that Europe has experienced numerous incidents of mass shootings, what does that say about attempting to control violence by passing more restrictive gun laws?

SOURCES: Eurostat, Crime Statistics, [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Crime\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Crime_statistics) (Accessed Jan 2022); Marcelo F. Aebi et al., *European Sourcebook of*

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# Focus on Delinquency

## COVID-19 and Delinquency

The COVID crisis has had a significant impact on the well-being of youth. The pandemic brought unemployment, interrupted learning, elevated drop-out rates, and a significant decline in college admissions. School closures impact disadvantaged children and youth with fewer educational opportunities outside of school, a lack of access to remote learning tools and the internet, and a reliance on free or discounted school meals for healthy nutrition.

While these outcomes should significantly affect delinquency rates, the outcome was bifurcated. Property and drug crime rates fell during the first eight months of 2020; including a 24% decline in residential burglary, 24% in larceny, and 32% in drug offense rates from the same period in 2019.

In contrast, violent crimes—homicides, aggravated assaults, and gun assaults—rose significantly. In 2020, homicide rates increased by 42% during the summer and 34% in the fall over the summer and fall of 2019. Aggravated assaults increased by 15% in the summer and 13% in the fall of 2020; gun assaults increased by 15% and 16%.

How can these effects be explained? The drop in property crime may result from high unemployment, reduced incomes, and being sequestered at home. While schools were closed, kids had to stay home and be monitored by out-of-work parents. People were able to guard and protect their stuff and monitor their children. People had less money on hand and bought fewer valuables; hence there was less to steal. Because stores were closed, fewer suitable targets meant less opportunity for kids to commit petty crimes

such as shoplifting. While there were a few high-profile acts of mass thefts from luxury stores, the overall property rate declined.

In contrast, whereas strangers most often commit property crimes, the victims and perpetrators of violent crimes are more likely to know each other. Locked in with parents and relatives during the COVID-19 crisis may have exacerbated preexisting tensions.

The COVID-19 crisis may have reduced the number of police on call and reduced their ability to respond quickly to crime. It's also possible that lack of confidence in law enforcement has translated into a reluctance to call police when an assault takes place; hence, perpetrators are free to repeat their offense.

## Critical Thinking

While the delinquency arrest rate has been in sharp decline for more than a decade, the COVID crisis seems to have elevated levels of youth violence. What long-term effect do you think the virus will have on the nature and extent of delinquent behaviors? Is the increase in violence merely transitory, or could it have become a permanent element of American life?

SOURCE: Richard Rosenfeld and Ernesto Lopez. *Pandemic, Social Unrest, and Crime in U.S. Cities: March 2021 Update*. Washington, D.C.: Council on Criminal Justice, May 2021. [https://counciloncj.org/wp-content/uploads/2021/11/Pandemic\\_Social\\_Unrest\\_and\\_Crime\\_in\\_US\\_Cities\\_-\\_March\\_2021\\_Update.pdf](https://counciloncj.org/wp-content/uploads/2021/11/Pandemic_Social_Unrest_and_Crime_in_US_Cities_-_March_2021_Update.pdf) (Accessed Jan 2022); Special issue on COVID-19 and Youth 27 March 2020 Produced by the Programme on Youth Unit, Division for Inclusive Social Development (DISD), Department of Economic and Social Affairs (DESA), United Nations, <https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2020/04/YOUTH-FLASH-Special-issue-on-COVID-19-1.pdf> Accessed Jan 2022)

## Correlates of Delinquency

### LO7

Interpret the social and personal correlates of delinquency

Measurement of the personal traits and social characteristics associated with adolescent misbehavior is a crucial aspect of delinquency research. If, for example, a strong association exists between delinquent behavior and family income, then poverty and economic deprivation must be considered in explaining the onset of adolescent criminality. If the delinquency-income association is not present, then other forces may be responsible for producing antisocial behavior. It would be fruitless to concentrate delinquency control efforts in areas such as job creation and vocational training if social status were found to be unrelated to delinquent behavior. Similarly, if only a handful of delinquents are responsible for most serious crimes, then crime-control policies might be made more effective by identifying and treating these offenders. The next sections discuss where and when delinquent acts take place, as well as the relationship between delinquency and the characteristics of gender, race, social class, and age.

## The Time, Place, and Nature of Delinquency

Most delinquent acts occur during the warm summer months of July and August. Weather may affect delinquent behavior in many different ways. During the summer, teenagers are out of school and have more opportunities to commit crime. Homes are left vacant more often during the summer, making them more vulnerable to property crimes. Weather may also affect behavior: As it gets warmer, kids get more violent.<sup>34</sup> However, some experts believe if it gets too hot—over 85 degrees—the frequency of some violent acts such as sexual assault begins to decline.<sup>35</sup>

There are also geographic differences in the incidence of delinquent behaviors.<sup>36</sup> Metropolitan areas are more delinquency prone than suburban or rural areas. But even in urban areas, stable block-by-block and neighborhood-by-neighborhood differences exist in the delinquency rate.<sup>37</sup>

There are also regional differences: typically, the western and southern states have had consistently higher delinquency rates than the Midwest and Northeast, which have been linked to differences in cultural values, population makeup, gun ownership, and economic differences.

## Gender and Delinquency

Males are significantly more delinquent than females. The teenage gender arrest ratio for all crimes is about 2:1, male to female. For serious violent crime, it's approximately 4:1, and for property crime, approximately 2:1. However, official arrest data may significantly underreport the total amount of female delinquency. Self-report data also seem to show that the incidence of female delinquency is much higher than believed earlier. The most common crimes males commit are also the ones most female offenders commit. The only exception to this pattern is that girls are more likely than boys to be arrested as runaways. There are two possible explanations: Girls could be more likely than boys to run away from home; police may view the female runaway as the more serious problem and therefore are more likely to process girls through official justice channels. This may reflect paternalistic attitudes toward girls, who are viewed as likely to "get in trouble" if they are on the street.<sup>38</sup>

While males still commit more crimes than females, the arrest rate for both sexes has declined in the past decade, dropping from almost a million arrests per year to half that number. The decline in arrests was experienced equally by both males and females.

## Peers and Delinquency

Delinquency is believed to be a group activity, with many adolescents joining gangs and groups to facilitate their illegal activities.<sup>39</sup> When adolescents do co-offend, they



most commonly do so with other adolescents of their own racial and age group: co-offenders are typically all young and white or all African American and so on.

Why do kids co-offend? Peer support encourages offending in adolescence. Rather than being shunned by their peers, antisocial adolescents enjoy increased social status among peers who admire their risk-taking behaviors. Because co-offending requires offenders to cooperate with one another in a risky endeavor, it is more likely to occur in communities with a supply of appropriate delinquent associates who can keep their mouths shut and never cooperate with the police. Co-offending is more prevalent in neighborhoods that are less disadvantaged, more stable, and contain more teens who can be trusted. Ironically, this means that efforts to improve neighborhood stability and cohesiveness may also help produce an environment that encourages group offending. Committing crime in groups helps to control offender fear during the incident while increasing peer group respect. Working in a group also may facilitate opportunities for more frequent offending.<sup>40</sup>

While co-offending may seem attractive, it has its drawbacks: co-offending results in significantly less property value stolen per offender, while increasing the likelihood of an incident resulting in an arrest. One reason for the greater apprehension risk is that the more kids commit crime, the more likely the victim will recognize someone they know.<sup>41</sup> However, teens in law-violating groups commit more crimes than sole practitioners, leading to higher overall profits for the offender. So, in the final tally, working in a group may produce higher overall revenue even if it does require more “work.”

## Race and Delinquency

There are approximately 38 million white and 11 million African American youths 17 and under in the United States, a ratio of a little more than three to one. The official statistics show that minority youths are arrested for serious criminal behavior at a rate disproportionate to their representation in the population. Most youth arrested for murder and robbery are African American. African American teens represent about half of all arrests for serious violent crimes and 40% of serious property crimes. Self-report studies using large samples show that about 30% of black males have experienced at least one arrest by age 18 versus about 22% for white males; by age 23, almost half of all black males have been arrested versus about 38% for white males.<sup>42</sup>

While African American teens may be arrested more often because they commit more crime, this pattern may reflect institutional bias in the juvenile justice system. In other words, African American youths are more likely to be formally arrested by the police, who, in contrast, will treat white youths informally.

One way to examine this issue is to compare the racial differences in self-reported data with those found in the official delinquency records. Given the disproportionate numbers of African Americans arrested, charges of racial discrimination would be supported if we found little difference between the number of self-reported minority and white crimes.

Early researchers found that the relationship between race and self-reported delinquency was virtually nonexistent.<sup>43</sup> These findings supported the conclusion that racial differences in the official crime data may reflect the fact that African American youths have a much greater chance of being arrested and officially processed.<sup>44</sup>

More recent studies present a mixed bag of results. While some recent self-report surveys show that offending differences between African American and white youths are marginal and not significant, others do find that African American youth are more likely to self-report delinquent acts at a more frequent rate.<sup>45</sup>

**Institutional Racism and Delinquency** How can we explain the disproportionate number of African American youngsters arrested for serious crimes? One view blames disproportionate minority involvement in arrest as a function of institutional bias. As the Black Lives Matter movement suggests, race-based differences in the delinquency rate, in part, may be an effect of unequal or biased treatment by

the juvenile justice system. Police are more likely to stop, search, and arrest racial minorities than members of the white majority. Institutional bias creates a vicious cycle because minorities are targeted more frequently, so African American teens are more likely to possess a criminal record; having a criminal record is associated with repeat stops and searches.<sup>46</sup> They are also more likely to be kept in secure detention after an arrest, reducing their chances of being found not delinquent at trial.<sup>47</sup>

To make matters worse, according to the **racial threat theory**, as the percentage of minorities in the population increases, so too does the amount of social control imposed on minority citizens at every stage of the justice system, from arrest to final release.<sup>48</sup>

As pressure grows to contain “the racial threat,” police will then routinely search, question, and detain all African American males in an area if a violent criminal has been described as “looking or sounding black”; this is called **racial profiling**. A recent meta-analysis of numerous studies that estimates the effect of race on the police decision to arrest found significant evidence that minority suspects are more likely to be arrested than white suspects when stopped by police for the same behaviors.<sup>49</sup> Racial profiling may be more common in communities with relatively few racial minorities (i.e., “white neighborhoods”). In racially segregated communities, police may be especially suspicious of people based on their race if it is inconsistent with the neighborhood’s racial composition.<sup>50</sup>

Racial profiling takes a particular toll on younger African American males, who often see their experience with police as unfair or degrading. They approach future encounters with preexisting hostility; police take this as a sign that young black men pose a special danger. They respond with harsh treatment, creating a never-ending cycle of mutual mistrust.<sup>51</sup>

If they are picked up again and sent back to juvenile court, their earlier record makes them eligible for harsher treatment.<sup>52</sup> Racial discrimination at the onset of the justice system ensures that minorities receive greater punishments at its conclusion.<sup>53</sup>

Juvenile court judges may see the offenses committed by minority youths as more serious than those committed by white offenders. Consequently, they are more likely to keep minority juveniles in detention pending trial in juvenile court than they are white youths with similar backgrounds.<sup>54</sup> White juveniles are more likely to receive lenient sentences or have their cases dismissed.<sup>55</sup> As a result, African American youths suspected by police are more likely to accumulate an adult criminal record and face a bleak future in a jobless economy where those with a criminal record are less likely to receive job offers.<sup>56</sup>

In sum, according to the institutional racism view, the disproportionate number of minority youth who are arrested is less a function of their involvement in serious crime and more the result of race-based decision making in the juvenile justice system.<sup>57</sup> Institutional racism by police and the courts is still an element of daily life in the African American community. This factor undermines faith in social and political institutions and weakens confidence in the justice system.<sup>58</sup>

**Structural Racism and Delinquency** Another view of race differences in the delinquency rate holds that although evidence of some racial bias does exist in the justice system, enough correspondence between official and self-report data exists to conclude that racial differences in the crime rate are real. If African American youths are arrested at a disproportionately higher rate for crimes such as robbery and assault, it is a result of actual offending rates rather than bias on the part of the criminal justice system.<sup>59</sup>

According to the structural racism view, racial differentials are tied to African American youths’ social and economic disparity. Too many are forced to live in the nation’s poorest areas that suffer high crime rates.<sup>60</sup> Many black youths are forced to attend essentially segregated schools that are underfunded and deteriorated, a condition that increases the likelihood of their being incarcerated in adulthood.<sup>61</sup> The burden of social and economic marginalization has weakened the African American

### **racial threat theory**

As the size of the black population increases, the perceived threat to the white population increases, resulting in a greater amount of social control imposed against African Americans by police

### **racial profiling**

Police practice of routinely searching, questioning, and detaining all African American males in an area, especially after a crime has been committed involving a black suspect.

family structure. When families are weakened or disrupted, their ability to act as social control agents is compromised.<sup>62</sup>

Even during economic growth, lower-class African Americans are left out of the economic mainstream, causing a growing sense of frustration and failure.<sup>63</sup> As a result of being shut out of educational and economic opportunities enjoyed by the rest of society, this population may be prone, some believe, to the lure of illegitimate gain and criminality.

This vision is not entirely bleak. Even among at-risk African American kids growing up in communities characterized by poverty, high unemployment levels, and single-parent households, those who do live in stable families with reasonable incomes and educational achievement are much less likely to engage in violent behaviors than those lacking family support.<sup>64</sup> Consequently, racial differences in the delinquency rate would evaporate if the social and economic characteristics of children of color were improved to levels currently enjoyed by whites, and African American kids could enjoy the same social, economic, and educational privileges.<sup>65</sup>

## Socioeconomic Status (SES), Poverty and Delinquency

It stands to reason that as the number of people living in poverty rises, so too will the crime rate. Today, poverty is defined as a family of four earning less than \$25,750 a year. The official poverty rate has declined considerably for the past five years.<sup>66</sup>

A significant association exists between economic status and delinquent involvement. Teens of all races and ethnicities living on the lowest rungs of the social structure have the greatest incentive to engage in antisocial activity.<sup>67</sup> It seems logical that kids who are unable to obtain desired goods and services legally will resort to illegal activities—such as selling narcotics—to obtain a share of the American Dream: if you can't afford a car, steal it; if you can't afford designer clothes, become a drug dealer.

**Instrumental crimes** are those committed by indigent people to compensate for the lack of legitimate economic opportunity. Kids living in poverty also engage in disproportionate amounts of **expressive crimes** such as rape and assault due to their frustration with what they believe to be an unfair and unjust society. Boiling with anger over social issues such as **income inequality**, they express their rage with irrational crimes that bring them no economic gain.<sup>68</sup> While it is true that middle- and upper-class youth also engage in delinquent acts, they are less likely to join gangs or commit serious felony offenses.

While the association between socioeconomic status and delinquency may be apparent, experts differ on how these two factors are related:

- Youths who lack wealth or social standing are the ones who use illegal means to achieve their goals and compensate for their lack of economic resources.
- Teens living in communities that lack economic and social opportunities have more incentive to engage in illegal acts.
- Kids who live in these areas believe they can never compete socially or economically with adolescents raised in more affluent areas. They may turn to illegal behavior for monetary gain and psychological satisfaction.<sup>69</sup>
- Family life is most likely to be frayed and disrupted in low-income areas. Consequently, gangs and law-violating youth groups thrive in a climate that undermines and neutralizes the adult supervision that families provide.<sup>70</sup>
- Teens who live in poor families within poor communities are doubly at risk for delinquency and find it hard to resist the lure of the streets.<sup>71</sup>

### instrumental crimes

Offenses designed to improve the financial or social position of the criminal.

### expressive crimes

Crimes that have no purpose except to accomplish the behavior at hand, such as shooting someone.

### income inequality

The unequal distribution of household or individual income across the various participants in an economy.

- Neighborhoods experiencing income inequality and resource deprivation have crime rates significantly higher than those that can provide equal or more economic opportunities to their citizens.<sup>72</sup>
- Police devote more resources to less affluent areas, and consequently, apprehension rates may be higher there. Police may also be more likely to formally arrest and prosecute lower-class youths, especially racial and ethnic minorities, while giving those in the middle and upper classes more lenient treatment, such as handling their law violations with a warning.

## Age and Delinquency

It is generally accepted that age is inversely related to criminality: Crime is a young person's game. Adolescents, especially those who are destined to become high-rate offenders, begin committing crime in their childhood, rapidly increase their offending activities in late adolescence, and then begin a slowdown in adulthood.<sup>73</sup> As Michael Gottfredson and Travis Hirschi put it:

"For all offenses, at all times, and in all places and for all races and both sexes, involvement in crime reaches its peak in the middle to late teens and then declines rapidly throughout life."<sup>74</sup>

Crime attracts young people because it brings social benefits. Adolescent deviance is fueled by the need for money and sex and reinforced by a teen culture whose informal rules stress defying conventional morality. It is not a coincidence that kids get piercings and tattoos as soon as the law allows. Teens who assume an outlaw persona find that their antisocial acts bring them increased social status among peers who admire their risk-taking behaviors. Young criminals may seek an avenue of behavior that improves their peer group standing.<sup>75</sup>

At the same time, teenagers are becoming independent from parents and other adults who enforce conventional standards of morality and behavior. They have a new sense of energy and strength and are involved with similarly vigorous and frustrated peers.

It is not surprising, then, that regardless of race, sex, social class, intelligence, or any other social variable, people commit less crime as they age. This phenomenon, referred to as the *aging-out process*, is also sometimes called *desistance from crime* or *spontaneous remission*.<sup>76</sup> Aging out of crime may be a function of the natural history of the human life cycle, and no one is immune.<sup>77</sup> Even the most chronic juvenile offenders commit less crime as they age. Though high-rate offenders will commit more crime as adults than their nondelinquent peers, even these committed and persistent delinquents will slow down as they age; few people get into as much trouble when they are 51 as when they were 15.<sup>78</sup>

Age also impacts delinquency because the earlier kids commit crime in their life cycle, the more serious and aggressive their criminal involvement. **Age of onset** is an important determinant of the length and seriousness of a delinquent career. Kids who are persistent offenders begin committing crime early in their childhood, rapidly increase their offending activities in late adolescence, and only begin to slow down in adulthood.<sup>79</sup> Those teens who demonstrate antisocial tendencies at a very early age are also more likely to commit more crimes and for a longer time.

In sum, youths who get involved with delinquency very early are most likely to become career criminals; age is a key determinant of delinquency.<sup>80</sup>

**Why Does Crime Decline with Age?** Delinquency experts have developed several reasons for the aging-out process:

- *Growing older means having to face the future.* Young people, especially the indigent and antisocial, tend to "discount the future."<sup>81</sup> Why should they delay gratification when faced with an uncertain future? As they mature,

### age of onset

Age at which youths begin their delinquent careers; early onset is believed to be linked with chronic offending patterns.



troubled youths can develop a long-term life view and resist the need for immediate gratification.<sup>82</sup>

- *With maturity comes the ability to resist the “quick fix” to their problems.* Research shows that some kids may turn to crime to solve adolescent problems: loneliness, frustration, and fear of peer rejection. As they mature, conventional means of problem solving become available. Life experience helps former delinquents seek nondestructive solutions to their personal problems.<sup>83</sup>
- *Maturation coincides with increased levels of responsibility.* Petty crimes are risky and exciting social activities that provide adventure in an otherwise boring world. As youths grow older, they take on new responsibilities inconsistent with criminality.<sup>84</sup> For example, young people who marry, enlist in the armed services, or enroll in vocational training courses are less likely to pursue criminal activities.<sup>85</sup>
- *Personalities can change with age.* As they mature, rebellious youngsters may develop increased self-control and be able to resist antisocial behavior.<sup>86</sup> In adulthood, people strengthen their ability to delay gratification and forgo the immediate gains that law violations bring. They also start wanting to take responsibility for their behavior and adhere to conventional mores, such as establishing long-term relationships and starting a family.<sup>87</sup> Getting married, raising a family, and creating long-term family ties provide the stability that helps people desist from crime.<sup>88</sup>
- *Young adults become more aware of the risks that accompany crime.* As adults, they are no longer protected by the relatively kindly arms of the juvenile justice system.<sup>89</sup>

Of course, not all juvenile criminals desist as they age; some become chronic adult offenders. Yet even they slow down as they age. Crime is too dangerous, physically taxing, and unrewarding, and punishments too harsh and long-lasting, to become a way of life for most people.<sup>90</sup>

## LO8

Discuss the concept of the chronic offender

## Chronic Offending: Careers in Delinquency

Although most adolescents age out of crime, a relatively small number of youths begin to violate the law early in their lives (early onset) and continue at a high rate well into adulthood (persistence). The association between early onset and high-rate persistent offending has been demonstrated in samples drawn from various cultures, time periods, and offender types. These offenders resist change and seem immune to the effects of punishment. Arrest, prosecution, and conviction do little to slow down their offending careers.

These chronic offenders are responsible for a significant amount of all delinquent and criminal activity. Because almost everyone commits less crime as they age, it is difficult to predict or identify in advance the relatively few offenders who will continue to commit crime as they travel through their life course.<sup>91</sup>

Current interest in the delinquent life cycle was partly prompted by the “discovery” in the 1970s of the chronic juvenile (or delinquent) offender. According to this view, a relatively small number of youthful offenders commit a significant percentage of all serious crimes, and many of these same offenders grow up to become chronic adult criminals.

Chronic offenders can be distinguished from other delinquent youths. Many youthful law violators are apprehended for one instance of criminal behavior, such as shoplifting or joyriding. Chronic offenders begin their delinquent careers at a young age (under 10 years), have serious and persistent brushes with the law, and may be excessively violent and destructive. They do not age out of crime but continue their

law-violating behavior into adulthood.<sup>92</sup> Most research shows that early, repeated delinquent activity is the best predictor of future adult criminality.

Several research efforts have chronicled the careers of serious delinquent offenders. The next sections describe these initiatives.

## Delinquency in a Birth Cohort

The concept of the chronic career offender is most closely associated with the research efforts of Marvin Wolfgang.<sup>93</sup> In 1972, Wolfgang, Robert Figlio, and Thorsten Sellin published a landmark study, *Delinquency in a Birth Cohort*. They followed the delinquent careers of a cohort of 9,945 boys born in Philadelphia from birth until they reached age 18. They obtained data from police files and school records. Researchers determined socioeconomic status by locating the residence of each cohort member and assigning the median family income for that area. About one-third of the boys (3,475) had some police contact. The remaining two-thirds (6,470) had none. Those boys who had at least one contact with the police committed 10,214 offenses.

The most significant discovery of Wolfgang and his associates was that of the so-called chronic offender. The data indicated that 54% (1,862) of the sample's delinquent youths were repeat offenders. The repeaters could be further categorized as non-chronic recidivists and chronic recidivists. Nonchronic recidivists had been arrested more than once but fewer than five times. In contrast, the 627 boys labeled chronic recidivists had been arrested five times or more. Although these offenders accounted for only 18% of the delinquent population (6% of the total sample), they were responsible for 52% of all offenses. Known today as the "chronic 6%," this group perpetrated 71% of the homicides, 82% of the robberies, and 64% of the aggravated assaults.

Arrest and juvenile court experience did little to deter chronic offenders. In fact, the greater the punishment, the more likely they were to engage in repeat delinquent behavior. Strict punishment also increased the probability of further court action. Two factors stood out as encouraging recidivism: the original offense's seriousness and the punishment's severity. The researchers concluded that efforts of the juvenile justice system to eliminate delinquent behavior may be futile.

Wolfgang and his colleagues conducted a second cohort study with children born in 1958. They substantiated the finding that relatively few chronic offenders are responsible for a significant portion of all delinquent acts.<sup>94</sup> Paul Tracy and Kimberly Kempf-Leonard conducted a study of all the subjects in the second 1958 cohort. By age 26, Cohort II subjects displayed the same behavior patterns as their older peers. Kids who started their delinquent careers early, committed a violent crime, and continued offending throughout adolescence were most likely to persist in criminal behavior as adults. Delinquents who began their offending careers with serious offenses or quickly increased the severity of their offending early in life were most likely to persist in their criminal behavior into adulthood. Severity of offending rather than the frequency of criminal behavior had the greatest impact on later adult criminality.<sup>95</sup>

These studies indicate that chronic juvenile offenders continue their law-violating careers as adults, a concept referred to as the **continuity of crime**. Kids who are disruptive as early as age 5 or 6 are most likely to exhibit disruptive behavior throughout adolescence.<sup>96</sup>

### continuity of crime

The idea that chronic juvenile offenders are likely to continue violating the law as adults.

## What Causes Chronic Offending?

Research indicates that chronic offenders suffer from several personal, environmental, social, and developmental deficits, as shown in Exhibit 2.2. Other research studies have found that early involvement in criminal activity (for example, getting arrested before age 15), relatively low intellectual development, and parental drug involvement were key predictive factors for future chronic offending.<sup>97</sup> Measurable problems in learning and motor skills, cognitive abilities, family relations, and other areas also predict chronicity.<sup>98</sup> Youthful offenders who persist are more likely to abuse alcohol, become economically dependent, have lower aspirations, and have a weak

### LO9

Identify the causes of chronic offending

## Exhibit 2.2

### Childhood Risk Factors for Persistent Delinquency

#### Individual Factors

- Early antisocial behavior
- Emotional factors such as high behavioral activation and low behavioral inhibition
- Poor cognitive development
- Low intelligence
- Hyperactivity

#### School and Community Factors

- Failure to bond to school
- Poor academic performance
- Low academic aspirations
- Living in a poor family
- Neighborhood disadvantage
- Disorganized neighborhoods
- Concentration of delinquent peer groups
- Access to weapons

#### Family Factors

- Parenting
- Maltreatment
- Family violence
- Divorce
- Parental psychopathology
- Familial antisocial behaviors
- Teenage parenthood
- Family structure
- Large family size

#### Peer Factors

- Association with deviant peers
- Peer rejection

SOURCE: Gail Wasserman, Kate Keenan, Richard Tremblay, John Coie, Todd Herrenkohl, Rolf Loeber, and David Petechuk, "Risk and Protective Factors of Child Delinquency," *Child Delinquency Bulletin Series* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2003).

employment record.<sup>99</sup> Apprehension and punishment seem to have little effect on their offending behavior. Youths who have long juvenile records will most likely continue their offending careers into adulthood.

Efforts to chart the life cycle of crime and delinquency will have a major influence on both theory and policy. Rather than simply asking why youths become delinquent or commit antisocial acts, theorists are charting the onset, escalation, frequency, and cessation of delinquent behavior. Research on delinquent careers has also influenced policy. If relatively few offenders commit a great proportion of all delinquent acts and then persist as adult criminals, steps should be taken to limit their criminal opportunities.<sup>100</sup> One approach is to identify persistent offenders at the beginning of their offending careers and provide early treatment.<sup>101</sup> This approach might be facilitated by research to identify traits (for example, impulsive personalities) for classifying high-risk offenders.<sup>102</sup> Because many of these youths suffer from various problems, treatment must focus on a broad range of educational, family, vocational, and psychological problems. Focusing on a single problem, such as a lack of employment, may be ineffective.<sup>103</sup>

#### LO10

Summarize the factors that predict teen victimization

### Juvenile Victimization

Richard and Maureen Kanka thought their daughter Megan was safe in their quiet, suburban neighborhood in Hamilton Township, New Jersey. Their lives were shattered on July 29, 1994, when 7-year-old Megan went missing. Maureen Kanka searched the neighborhood and met 33-year-old Jesse Timmendequas, who lived across the street. Timmendequas told her that he had seen Megan earlier that evening while working on his car. The police were called and soon focused on Timmendequas's house when they learned that he and two other residents were convicted sex offenders who had met at a treatment center and decided to live together upon their release. Timmendequas

soon confessed to luring Megan into his home by telling her she could see his puppy and then raping and strangling her to death. Jesse Timmendequas was sentenced to death on June 20, 1997, and remained on New Jersey's death row until December 17, 2007, when the state's death penalty was abolished and his sentence commuted to life in prison without the possibility of parole.

Megan's death led to a national crusade to develop laws that require sex offenders to register with local police when they move into a neighborhood and require local authorities to provide community notification of the sex offender's presence. On the federal level, the Jacob Wetterling Crimes Against Children Law passed in May 1996, which requires states to pass some version of "Megan's Law" or lose federal aid. All 50 states plus the District of Columbia have complied. Eleven-year-old Jacob Wetterling was abducted in 1989 from near his home in St. Joseph, Minnesota. On September 1, 2016, the FBI recovered Jacob's remains from a nearby pasture. Danny Heinrich, a known sex offender who confessed to kidnapping and murdering Jacob 27 years earlier, revealed the location.<sup>104</sup>

As the Megan Kanka and Jacob Wetterling cases sadly tell us, juveniles are also victims of crime. The difference is particularly striking when we compare teens with people over age 65: teens are 15 times more likely to become victims than their grandparents. The data also indicate that male teenagers have a significantly higher chance than females of becoming victims of most violent crimes and that African American youth have a greater chance of becoming victims of violent crimes than whites of the same age. Young girls are much more likely to be the victim of sexual assaults, while boys are much more likely to be the victims of robbery. In either event, the likelihood of victimization for both crimes declines after the teenage years.

## Juvenile Victimization Trends

Delinquency rates have declined over the past two decades, so it is no surprise that rates of adolescent victimization for serious violent crimes—rape or sexual assault, robbery, and aggravated assault—have undergone similar declines. The percentage of juveniles who have suffered violent victimizations has decreased by more than 50% just in the past decade.

Table 2.1 shows a significant drop in juvenile victimizations in a single year (2020) as many of the nation's schools shut down due to the pandemic and students spent more time at home, away from their violence-prone peers. Table 2.1 also shows that despite this decline in victimization, young people are at much greater risk than their grandparents 65 or older.

Table 2.1

### Rate of Violent Victimization by Age

| 1           | Total Violent Crime |      | Violent Crime Excluding Simple Assault |      |
|-------------|---------------------|------|--|------|
|             | 2019                | 2020 | 2019                                   | 2020 |
|             | (rate per 1000)     |      | (rate per 1000)                        |      |
| 12–17       | 35.2                | 17.4 | 11.0                                   | 5.7  |
| 18–24       | 37.2                | 29.6 | 16.0                                   | 11.8 |
| 25–34       | 25.0                | 21.4 | 8.9                                    | 9.0  |
| 35–49       | 19.5                | 18.3 | 6.7                                    | 5.5  |
| 50–64       | 18.9                | 14.6 | 5.6                                    | 4.0  |
| 65 or older | 6.0                 | 4.5  | 1.9                                    | 1.6  |

SOURCE: Rachel E. Morgan and Alexandra Thompson, Criminal Victimization, 2020 <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/cv20.pdf> (2021)



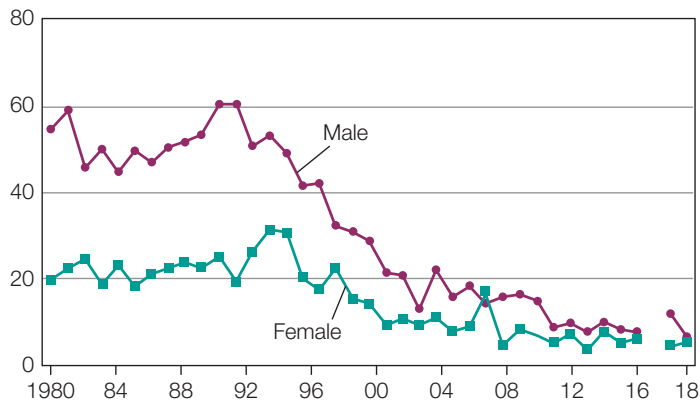


Figure 2.3

### Changes in Rate of Serious Violent Crime Victimization Per 1,000 Juveniles Ages 12-17

SOURCE: Office of Juvenile Justice and Delinquency Prevention, *Juveniles as Victims* <https://www.ojjdp.gov/ojstatbb/victims/qa02501.asp?qaDate=2018>

Some notable trends have taken place. A significant convergence of male and female teen victimization rates has occurred. Today, as Figure 2.3 shows, male and female youth are equally likely to experience serious violent crime; 20 years ago, males were twice as likely to be victims. Rates of serious violent crime victimization among white and Hispanic youth have sharply declined, while rates have remained the same among black youth.<sup>105</sup>

NCVS data can also tell us about the relationship between victims and offenders. This information is available because victims of violent personal crimes, such as assault and robbery, can identify their attackers' age, sex, and race.

In general, teens tend to be victimized by their peers, whereas victims aged 20 and over identified their attackers as 21 or older. However, people in almost all age groups who are victimized by *groups* of offenders identify their attackers as teenagers or young adults.

The data also tell us that victimization is intraracial. White teenagers tend to be victimized by white teens, and African American teenagers tend to be victimized by African American teens. Strangers are more likely to victimize young people than adults, and the likelihood of stranger victimization declines with age.

## Summary

### LO1 Explain how the Uniform Crime Report (UCR) data are gathered and used

- Official data on delinquent behavior are gathered in the Uniform Crime Report (UCR).
- The UCR gathers data on the number and characteristics (age, race, and gender) of individuals who have been arrested. This data is particularly important for delinquency research because it shows how many underage minors are arrested yearly.
- The accuracy of the UCR is somewhat suspect because surveys indicate that fewer than half of all crime victims report incidents to the police. Consequently, a new method of collecting official crime data from the police, called the National Incident-Based Reporting System (NIBRS), is replacing the current UCR.

### LO2 Discuss the concept of self-reported delinquency

- These surveys ask kids to describe, in detail, their recent and lifetime participation in antisocial activity.
- Self-reports are given in groups, and the respondents are promised anonymity to ensure the responses' validity and honesty.

- In addition to questions about delinquent behavior, most self-report surveys contain questions about attitudes, values, and behaviors.

### LO3 Evaluate the utility of the National Crime Victimization Survey

- The National Crime Victimization Survey (NCVS) is a comprehensive, nationwide survey of victimization in the United States.
- Each year data are obtained from a large nationally representative sample who are asked to report their experiences with crimes.
- Due to the care with which the samples are drawn and the high completion rate, NCVS data are considered a relatively unbiased, valid estimate of all victimizations for the target crimes included in the survey.

### LO4 List alternative measures of delinquent activity and behavior

- Delinquency experts routinely use several other methods to acquire data on youth crime and delinquency.

- Collecting cohort data involves observing a group of kids who share a similar characteristic over time.
- Sometimes researchers can conduct controlled experiments to collect data on the causes of delinquency.
- Meta-analysis involves gathering data from several previous studies.
- Data mining uses multiple advanced computational methods, including artificial intelligence (the use of computers to perform logical functions), to analyze large data sets, usually involving one or more data sources.

#### **LO5 Analyze recent trends in juvenile delinquency**

- Crime and delinquency rates trended upward between 1960 and 1991, when police recorded about 15 million crimes. Since then, the number of crimes has been in steep decline.
- The number of juvenile arrests has declined significantly during the past decade.
- Juveniles are now responsible for about 10% of the Part I violent crime arrests and about 11% of the arrests for the most serious property crimes such as burglary, larceny, and car theft.
- Teens ages 14 to 18 account for almost all underage arrests and constitute about 6% of the population. These data show that these teens account for a disproportionate share of all arrests for serious crime.

#### **LO6 Recognize the factors that affect the juvenile crime rate**

- Because teenagers have extremely high crime rates, crime experts view changes in the population age distribution as having the greatest influence on crime trends.
- As a general rule, the crime rate follows the proportion of young males in the population.
- As the level of social problems increases—such as single-parent families, dropout rates, racial conflict, and teen pregnancies—so do delinquency rates.
- Evidence suggests that the decade-long drop in the delinquency rate can be attributed to the availability of legalized abortion. The effect of abortion on the delinquency rate may be due to fewer teenage girls having babies.
- The availability of firearms may influence the delinquency rate, especially the proliferation of weapons in the hands of teens.
- Another factor that affects delinquency rates is the explosive growth in teenage gangs.
- Some experts argue that violent media can influence the direction of delinquency rates.

#### **LO7 Interpret the social and personal correlates of delinquency**

- Delinquents are disproportionately male, although female delinquency rates are rising faster than those for males.
- Most experts believe that adolescent crime is a lower-class phenomenon. Official statistics indicate that lower-class youths are responsible for the most serious delinquent acts.
- There is general agreement that delinquency rates decline with age.

#### **LO8 Discuss the concept of the chronic offender**

- Some experts believe this phenomenon is universal, whereas others believe a small group of offenders persist in crime at a high rate.
- The age–crime relationship has spurred research on the nature of delinquency over the life course.
- Delinquency data show the existence of a chronic persistent offender who begins their offending career early in life and persists as an adult.
- Marvin Wolfgang and his colleagues identified chronic offenders in a series of cohort studies conducted in Philadelphia.

#### **LO9 Identify the causes of chronic offending**

- Ongoing research has identified the characteristics of persistent offenders as they mature, and both personality and social factors help us predict long-term offending patterns.
- Early involvement in criminal activity, relatively low intellectual development, and parental drug involvement have been linked to later chronic offending.
- Measurable problems in learning and motor skills, cognitive abilities, family relations, and other areas also predict chronicity.
- Apprehension and punishment seem to have little effect on offending behavior. Youths with long juvenile records will likely continue their offending careers into adulthood.

#### **LO10 Summarize the factors that predict teen victimization**

- Teenagers are more likely to become crime victims than people in other age groups.
- The teen victimization rate has been in steep decline.
- Teens tend to be victimized by their peers.
- A majority of teens have been victimized by other teens, whereas victims ages 20 and over identified their attackers as being 21 or older.

## Key Terms

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Federal Bureau of Investigation (FBI), p. 40  
Uniform Crime Report (UCR), p. 40  
Part I crimes, p. 40  
Part II crimes, p. 40  
National Incident-Based Reporting System (NIBRS), p. 41

self-report survey, p. 42  
National Crime Victimization Survey (NCVS), p. 44  
disaggregated, p. 46  
racial threat theory, p. 55  
racial profiling, p. 55

instrumental crimes, p. 56  
expressive crimes, p. 56  
income inequality, p. 56  
age of onset, p. 57  
continuity of crime, p. 59

## Questions for Discussion

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1. What factors contribute to the aging-out process?
2. Why are males more likely to get involved in delinquent behavior than females? Is it a matter of lifestyle, culture, or physical traits?
3. Discuss the racial differences found in the delinquency rate. Explain the effect of institutional and cultural racism and relate their effect to differences in delinquency rates.
4. Should kids who have been arrested more than three times be given mandatory incarceration sentences?
5. Do you believe that self-reports are an accurate method of gauging the nature and extent of delinquent behavior?

## Viewpoint

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As a juvenile court judge, you are forced to make a tough decision during a hearing: whether a juvenile should be waived to the adult court. It seems that gang activity has become a way of life for residents living in local public housing projects. The Bloods sell crack, and the Wolfpack controls the drug market. When the rivalry between the two gangs exploded, 16-year-old Shatiek Johnson, a Wolfpack member, shot and killed a member of the Bloods; in retaliation, the Bloods put out a contract on his life. While in hiding, Shatiek was confronted by two undercover detectives who recognized the young fugitive. Fearing for his life, Shatiek pulled a pistol and began firing, fatally wounding one of the officers. During the hearing, you learn that Shatiek's story is not dissimilar from that of many other children raised in tough housing projects. With an absent father and a single mother who could not control her five sons, Shatiek lived in a world of drugs, gangs, and shootouts long before he was old enough to vote. By age 13, Shatiek had been involved in the gang-beating death of a homeless man in a dispute over \$10, for which he was given a one-year sentence at a youth detention center and released

after six months. Now charged with a crime that could be considered first-degree murder if committed by an adult, Shatiek could be sentenced to life in prison or even face the death penalty if waived to the adult court.

At the hearing, Shatiek seems like a lost soul. He claims he thought the police officers were killers out to collect the bounty put on his life by the Bloods. He says that killing the rival gang boy was an act of self-defense. The district attorney confirms that the victim was, in fact, a known gang assassin with numerous criminal convictions. Shatiek's mother begs you to consider that her son is only 16 years old, has had a very difficult childhood, and is a victim of society's indifference to the poor.

- Would you treat Shatiek as a juvenile and see if a prolonged stay in a youth facility could help this troubled young man, or would you transfer (waive) him to the adult justice system?
- Does a 16-year-old like Shatiek deserve a second chance?
- Is Shatiek's behavior common among adolescent boys or unusual and disturbing?

## Doing Research on the Web

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To help you answer these questions and to learn more about gang membership, go to the Gang Resistance Education And Training (G.R.E.A.T.) program website

(<http://www.great-online.org/>). The G.R.E.A.T. program is a school-based, law enforcement officer-instructed classroom curriculum. With prevention as

its primary objective, the program is intended to immunize against delinquency, youth violence, and gang membership.

Another valuable site is Youth.gov (<http://youth.gov/>), a collaborative web-based resource supported by various federal agencies focused on general youth-related issues. Youth.gov is the U.S. government website

that helps users create, maintain, and strengthen effective youth programs. Included are youth facts, funding information, and tools to help users assess community assets, generate maps of local and federal resources, search for evidence-based youth programs, and keep up to date on the latest youth-related news.

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# Part Two

## Theories of Delinquency

A theory can be defined as an abstract statement that explains why certain phenomena or things do (or do not) happen. A valid theory must be (a) able to predict future occurrences of the phenomenon in question and (b) verifiable by testing through experiment or some other form of empirical observation. So a theory stating that kids who watch excessive amounts of violent TV shows will also engage in aggressive behavior can only be considered valid if:

- Empirically sound testing can verify the association is valid: watching violent TV is a direct cause of violence and not influenced by other factors.
- The more children watch violent TV shows in the present, the more likely they will engage in personal violence in the future.

By developing empirically verifiable statements, or hypotheses, and organizing them into theories of delinquency causation, social scientists hope to identify the causes of delinquency and propose methods to curtail or eliminate its occurrence. These are some of the questions they ask: What causes delinquent behavior? Why do some youths enter a life of crime that persists into their adulthood? Are people products of their environment, or is the likelihood of their becoming a delinquent determined at birth?

Since the study of delinquency is essentially interdisciplinary, it is not surprising that a variety of theoretical models have been formulated to explain juvenile misbehavior. Each reflects the training and orientation of its creator. Consequently, theories of delinquency reflect many different avenues of inquiry, including biology, psychology, sociology, political science, and economics. Chapter 3 reviews theories that maintain that delinquency is essentially caused by individual-level factors, such as personal choices and decision making, or by psychological and biological factors. Chapter 4 reviews social theories of delinquency that maintain that youthful misbehavior is caused by children's place in the social structure, their relationships with social institutions and processes, or their reaction to the effects of social conflict. The social reaction and social conflict theories covered in Chapter 5 maintain that the decision to label behavior as deviant or delinquent is subjective, and people become immoral when labeled as such. Chapter 6 discusses those theories of delinquency that regard it as a developmental process, reflecting the changes that occur in young people's lives as they evolve during their life.

**Chapter 3**  
Individual-Level Views of Delinquency

**Chapter 4**  
Structure, Process, Culture, and Delinquency

**Chapter 5**  
Social Reaction, Social Conflict, and Delinquency

**Chapter 6**  
Developmental Theories of Delinquency: Life-Course, Propensity, and Trajectory



# 3

# Individual-Level Views of Delinquency

## Learning Objectives

- 1 Distinguish between the two branches of individual-level theories of delinquency
- 2 Explain the principles of choice theory
- 3 Discuss the routine activities theory of delinquency
- 4 Critique the principles of general deterrence theory
- 5 Examine the concept of specific deterrence
- 6 Discuss the concept of situational crime prevention
- 7 Trace the history and development of trait theory
- 8 Evaluate the branches and substance of biosocial trait theory
- 9 Compare the various psychological theories of delinquency
- 10 Examine the psychological disorders that have been linked to delinquency

## Chapter Outline

### Individual-Level Theories

#### Rational Choice Theory

- The Rational Delinquent
- Shaping Delinquent Choices

#### Routine Activities Theory

- Capable Guardians
- Suitable Targets
- Motivated Offenders

#### Controlling Delinquency

- General Deterrence
- Specific Deterrence
- Incapacitation
- Situational Crime Prevention
- Why Do Delinquents Choose Delinquency?

#### Trait Theories: Biosocial and Psychological Views

- Origins of Trait Theory

#### Contemporary Biosocial Theory

- Vulnerability vs. Differential Susceptibility

Biochemical Factors

Hormonal Levels

Neurological Dysfunction

Arousal Theory

Genetic Influences

The Association Between Inherited Traits and Delinquency

Evolutionary Theory

#### Psychological Theories of Delinquency

Psychodynamic Theory

Attachment Theory

Mental Disorders and Delinquency

Behavioral Theory

Social Learning Theory

Cognitive Theory

Personality and Delinquency

Intelligence and Delinquency

Critiquing Individual-Level Theories

Trait Theory and Delinquency Prevention

## Chapter Features

**International Delinquency:** The Long-Term Effects of Lead Ingestion

**International Delinquency:** Pre-Natal Diets

**Focus on Delinquency:** The Brain and Delinquency

**Treating Delinquency:** How Is Behavior Therapy Used to Treat ADHD

**Focus on Delinquency:** The Media and Delinquency

**Treating Delinquency:** Therapeutic Approaches for Sexually Abused Children

**Lucas is a 13-year-old** male residing with his mother and younger sister. His biological father was not involved in his life, and there was a history of domestic violence with his mother's subsequent partners. There was also a family history of mental illness, criminal activity, child abuse, and poverty. Despite living in multiple homes and his family experiencing homelessness for various periods, Lucas had attended the same school for the past three years due to an agreement with his school district; consequently, school staff knew him well. Although his teachers reported that Lucas was a bright child, his grades were poor and attendance was inconsistent. They noted that other children picked on Lucas, viewed him as a geek, and, in a few incidents, older kids pushed him around. Now that he was in eighth grade, Lucas began bullying younger students. Consequently, he was referred to a school social worker because he had harassed other students by texting and used social media websites to spread rumors. Considering the background and behavior patterns of recent school shooters, there was significant concern that Lucas might be a risk for escalating violence within the school setting.

After identifying Lucas as a student at risk, school staff worked with him to find a program that would meet his needs. A comprehensive mental health assessment determined that he was struggling with some issues related to an undiagnosed attention deficit hyperactivity disorder. Despite this diagnosis, Lucas's mother was against the use of medications. Given her own history, she was also very uncomfortable with any type of mental health involvement. She reported that she had been treated poorly in the past and did not trust any professional assistance.

The community social worker worked diligently to establish a strong and trusting relationship with both Lucas and his mother. The social worker helped



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the family find more permanent housing and provided opportunities for the mother to

better meet her children's basic needs. Eventually, Lucas's mother agreed to the medication and service recommendations, and Lucas was able to focus on school and gain a better understanding of his behavioral consequences.

Lucas was accepted into a community program that had a strong focus on working with young people who have the potential to go to college and may need additional supports. He began a four-year pre-college technology access and training program for talented but economically disadvantaged students. The program's mission was to prepare students for technical, academic, and personal excellence. Lucas was provided with training, mentoring, leadership development, community service, and internship opportunities.

Lucas thrived in the program and today is a successful member of his community. He is employed and attending college. Does Lucas's experience indicate that delinquency is a function of individual level factors? Are troubled teens better off with mentoring and training than punishment?

**W**hile Lucas was able to receive treatment and avoid involvement in serious delinquent behavior, his positive outcome is neither routine nor expected. Many youthful offenders do not get proper care or treatment and, rather than enter a productive life path, like Lucas, remain enmeshed in the school to prison pipeline. The type of care Lucas received helped him avoid a so-called "life of crime."

## Individual-Level Theories

Some delinquency experts believe a youth's involvement in antisocial activities is determined by individual-level factors and conditions. Delinquents are not a "product of their environment," but instead, individual actors, directed by some inner trait—temperament, personality, improper diet, hormones, mental illness—that must be treated by psychologists, social workers, and other treatment providers and not police, courts, and corrections.

If delinquency, the argument goes, reflects social and economic factors, how is it that most youths residing in the most dangerous and deteriorated neighborhoods are law-abiding citizens? Millions of American youths live in poverty, and yet the vast majority of these children in need do not become delinquents and criminals or join law-violating youth gangs. Relatively few youths in any population, even the most economically disadvantaged, actually become hard-core, chronic delinquents.<sup>1</sup> If such social issues as poverty, lack of educational opportunities and deteriorated neighborhood conditions, were solely responsible for antisocial behaviors, there should be many more delinquent youths than exist today.

If social factors alone are not responsible for the onset of delinquency, then what is? To some experts, the locus of delinquency is rooted in the *individual*: how the individual makes decisions, the quality of the individual's biological makeup, and their personality and psychological profile.

Individual-level explanations of delinquency can be divided into two distinct categories. One position, referred to as **rational choice theory** suggests that young offenders are logical thinkers who *choose* to engage in antisocial activity, most likely because they believe their actions will be beneficial and profitable. Whether they join a gang, steal cars, or sell drugs, their delinquent acts are motivated by the belief that certain illegal acts can be profitable and relatively risk free.<sup>2</sup> They believe they have little fear of getting caught and, if they are apprehended, discount the legal consequences. Some are motivated by fantasies of riches, greed, and lack of concern for others, whereas others may simply enjoy the excitement and short-term gratification produced by delinquent acts such as beating up an opponent or stealing a car.

Even the most steadfast rational choice theorists do not believe that *all* youthful misbehavior can be traced to rational decision making and calculated thought processes. At least some delinquent acts, especially violent ones, such as Adam Lanza's 2012 mass shooting at the Sandy Hook Elementary School in Newtown, CT and Salvador Ramos's murderous 2022 rampage at the Robb Elementary School in Uvalde, TX, seem to be the work of a disturbed mind rather than the product of rational thought. How can these senseless acts be explained? The answer may be found in the offender's aberrant physical and/or psychological makeup. Some youths may seem to choose their behavior, but that choice is actually guided and shaped by biological or psychological abnormalities, such as hyperactivity, low intelligence, biochemical imbalance, or genetic defects. Teens who suffer from serious personality deficiencies are bound to make poor decisions, overestimating gain and discounting risk, leading them into ever more dangerous behavior patterns.<sup>3</sup>

This alternate view of the cause of youthful misbehavior is referred to here as **trait theory** because it links delinquency to biological and psychological traits that control human development and behavior.

Choice and trait theories, though independent, are linked here because they share some common ground:

- Both focus on mental and behavioral processes at the individual level.
- Both consider delinquency as an individual-level problem, not a social problem.
- Both recognize that because all people are different, each person reacts to the same set of environmental and social conditions in a unique way.

### Rational choice theory

Holds that youths will engage in delinquent and criminal behavior after weighing the consequences and benefits of their actions; delinquent behavior is a rational choice made by a motivated offender who perceives that the chances of gain outweigh any possible punishment or loss.

### trait theory

Holds that youths engage in delinquent or criminal behavior due to aberrant physical or psychological traits that govern behavioral choices; delinquent actions are impulsive or instinctual rather than rational choices.

- Because the root cause of delinquency is located within the person, delinquency prevention and control efforts must be directed at the individual offender. We must change people rather than society.

This chapter first covers the theoretical models that focus on individual choice and decision making. We then turn to the view that biological and psychological development controls youngsters' ability to make choices, rendering some of them violent, aggressive, and antisocial.

## Rational Choice Theory

The first formal explanations of crime and delinquency held that human behavior was a matter of choice. Because it was assumed that people had **free will** to choose their behavior, those who violated the law were motivated by personal needs such as greed, revenge, survival, and hedonism. Over 250 years ago, Cesare Beccaria argued that people weigh the benefits and consequences of their future actions before deciding on a course of behavior.<sup>4</sup> His writings formed the core of what is referred to today as **classical criminology**.

According to this classical view, the decision to violate the law comes after a careful weighing of the benefits and costs of criminal behaviors. Most potential law violators would cease their actions if the potential pain associated with a behavior outweighed its anticipated gain; conversely, law-violating behavior seems attractive if the future rewards seem far greater than the potential punishment.<sup>5</sup>

Classical criminologists argued that punishment should be only severe enough to deter a particular offense and that punishments should be graded according to the seriousness of particular crimes: "Let the punishment fit the crime." In his famous analysis, Beccaria stated that to be effective, punishment must be sufficiently severe, certain, and swift to control crime. If rapists and murderers were punished in a similar fashion—put to death—it might encourage a rapist to kill his victims to prevent them from calling the police or testifying in court; after all, if the penalties are the same for murder and rape, why not simply kill the victim so they cannot make an accusation? Why take a chance?<sup>6</sup>

## The Rational Delinquent

According to the rational choice view, before they decide to violate the law and commit a delinquent act, potential offenders weigh the possible benefits or profits, such as cash to buy cars, clothes, and other luxury items, with the potential costs or penalties, such as arrest followed by a long stay in a juvenile facility. The calculating delinquent is likely to choose crime if they believe that criminals are rarely caught and, even when they are, usually avoid severe punishments. Some kids may know people or hear about criminals who make a significant income from illegal activities and want to follow in their footsteps.<sup>7</sup> In contrast, teens will avoid crime if they believe that law violators are almost always caught and then punished. They will be more cautious if they know or have heard about someone who has been incarcerated or if their delinquent peers warn them about the danger of getting caught and punished.<sup>8</sup> Same with sexually aggressive behavior: males are more likely to be sexually aggressive if they (a) believe they can get away with it and (b) believe their friends do it, too; peer approval means they will not be stigmatized by their close friends.<sup>9</sup>

**The Reasoning Delinquent** Once involved in antisocial activities, many delinquent kids take a reasoned approach to their criminal enterprises: they do in fact look for targets that have relatively high rewards and carry relatively low risks.<sup>10</sup>

### LO2

Explain the principles of choice theory

#### free will

View that people are in charge of their own destinies and are free to make personal behavior choices unencumbered by environmental factors.

#### classical criminology

Holds that decisions to violate the law are weighed against possible punishments, and to deter crime, the pain of punishment must outweigh the benefit of illegal gain; led to graduated punishments based on seriousness of the crime (let the punishment fit the crime).



Juvenile burglars like to target residences close to where they live so they know the territory and have access to escape routes. While adults are willing to travel to commit crimes, juveniles stay close to home (unless they happen to have a car and driver's license!).<sup>11</sup> Young street robbers are likely to choose victims who are vulnerable and do not pose any threat.<sup>12</sup> Robbers are more likely to use physical force against a victim who resists; compliant victims are treated with greater restraint.<sup>13</sup> Even joining a gang involves a rational choice. The common reason kids give for joining gangs is for protection, especially from rival gangs. However, that is not the only reason. Some claim it's a family tradition: relatives are all gang members themselves, therefore it's expected that they follow in their elders footsteps. Some join for money, and the gang provides a venue for buying and selling illegal drugs. Others see it as a social activity, a way they can gain respect, have peers look up to them, and be more attractive to possible mates.<sup>14</sup> In addition to displaying rational motivations to join gangs, potential gang members must send out signals proving they are quality individuals who are worthy of membership and deserve to be selected. Being willing to commit crime, having the right background, and "correct" ethnic and gender identity are all "signals" that demonstrate a good potential for gang membership.<sup>15</sup> After they join gangs, members demonstrate a reasoned analysis of market conditions, interests, and risks. When James Densley studied gangs, he found that they evolved from nonviolent, noncriminal adolescent peer groups into organized criminal enterprises.<sup>16</sup> Nothing was left to chance, one gang member, street name Wolverine, explained to Densley:

We was committing crimes so we sat down together, it was like a meeting, I suppose, and we just gave each other names and it started like that. Because it was not like socializing, it was actually going out to commit crime and do stuff. We was premeditating what we was doing before it happened. Planning it up.

Densley found that gang boys learn special skills—how to seize territory, how to use violence, how to maintain secrecy, how to obtain intelligence—that enable them to successfully regulate and control the production and distribution of illegal drugs while maximizing their profits.

## Shaping Delinquent Choices

Choice theorists believe that law-violating behavior occurs when a reasoning offender decides to take the chance of violating the law after considering their personal situation (need for money, learning experiences, opportunities for conventional success), values (conscience, moral values, need for peer approval), and situation (overcoming some immediate problem). What are some of the most important social developments that produce or influence delinquent decision making?

**Personal Problems** Kids may be forced to choose delinquent behavior to help them solve problems.<sup>17</sup> Adolescents may find themselves feeling "out of control" because society limits their opportunities and resources. By engaging in antisocial behaviors, some adolescents are able to exert control over their own lives and destinies. When they cut school, they are avoiding a situation they find uncomfortable; when they run away from home, they may be fleeing from physical or sexual abuse. Delinquency may also enable them to deal with rivals or adversaries, for example, by joining a gang or buying a stolen gun for self-protection. Of course, teens who care about others and are compassionate and concerned individuals will be reluctant to use antisocial means to solve personal problems.<sup>18</sup> Not everyone turns to crime, even among those living in the most stressful situations.

**Financial Needs/Rewards** The choice of delinquency may be shaped by economic needs. Financially challenged teens may obtain things they desire by stealing or sell drugs to buy stylish outfits. Those who use drugs may increase

their delinquent activities in proportion to the costs of their habit. As the cost of their drug habit increases, the lure of illegal profits becomes overwhelmingly attractive.<sup>19</sup>

Kids may also choose delinquency because they believe they have little chance of becoming successful in the conventional world. In the long run, they view drug dealing and car thefts as their ticket to a better life; in the short run, delinquency can provide them with the cash for better tech devices or flashy jewelry.

Even if they enter a life of delinquency, young people may be disappointed to find that crime does not pay as much as they expected. Despite enormous risks to health, life, and freedom, the average gang member earns only slightly more than what they could make in the legitimate labor market.<sup>20</sup> Why do they stay in these gangs despite these slim pickings? Gang members believe that there is a strong potential for future riches, especially if they can gain a position as a gang leader who earns more than the rank-and-file members.<sup>21</sup> In reality, the likelihood of becoming a well-off gang leader is remote, but kids base their behavior on what they believe will happen in the future and not upon what is really likely to occur.

**Supervision** Adolescents whose parents are poor supervisors have the freedom to socialize with their peers, an opportunity that enables them to engage in deviant behaviors.<sup>22</sup>

Teenage boys may have the highest crime rates because they, rather than their sisters, are given autonomy and are more likely to enjoy unsupervised socialization.<sup>23</sup> As they mature, both males and females enjoy more freedom, and gender differences in supervision fade. Girls who mature early tend to have a lifestyle more similar to boys, and consequently, they are the ones most likely to engage in as many antisocial acts as their male counterparts.<sup>24</sup>

**Employment** Though gainful employment sounds like a healthy choice, an adolescent's work experience may actually increase delinquency rather than limit its occurrence. Rather than saving for college, as their parents might hope, unsupervised kids who get jobs use their cash to buy drugs and alcohol; after-school jobs may attract teens who are more impulsive than ambitious.<sup>25</sup> At work, they have the opportunity for unsupervised socialization with their peers; lack of parental supervision increases criminal motivation.<sup>26</sup> Though some adults may think that providing teens with a job will reduce criminal activity—under the theory that “idle hands are the devil’s workshop”—some aspects of the work experience, such as autonomy, increased social status among peers, and increased income, may neutralize the positive effects of working. The after-school job effect is most pronounced on novice delinquents who may be experiencing unsupervised freedom for the first time. In contrast, experienced offenders may actually benefit from an after-school job.<sup>27</sup>

**Vengeance** Some adolescents may choose crime to retaliate against a hated rival or seek vengeance for an actual or perceived wrong. Psychologist Richard Felson argues that violence can be used to achieve several specific goals:

- **Control.** Violent people may want to control their victims’ behavior and life.
- **Retribution.** Violence may be used to punish someone without calling the police or using the justice system to address grievances. Kids will take the law into their own hands if they do not trust the law.
- **Deterrence.** Attackers may want to stop or deter someone from repeating acts that they consider hostile or provocative.
- **Reputation.** An attack may be motivated by the need to enhance reputation and create self-importance in the eyes of others. Kids with a tough rep shield themselves from revenge and retribution if they choose to victimize other adolescents.<sup>28</sup>

**Emotional Upheaval** We know that a relatively small group of chronic offenders commits a significant percentage of all serious crimes. Members of this group of repeaters may suffer from emotional states that cause them to make poor decisions, acting out of anger and emotional stress rather than rational thought. They may be suffering from hot-button triggers such as sleep problems, depression, and straining experiences (including family arguments, negative school and peer experiences, and neighborhood safety issues) that significantly reduces or neutralizes the crime-preventive impact of rational choice decision-making skills among adolescents.<sup>29</sup>

**Learning and Experience** As they gain know-how, some teens create scripts, based on their newly developed knowledge and capability, that help guide their interactions with potential victims and guardians. If they follow the script, they can commit their crimes and avoid detection. Before committing their crimes, some offenders will go through a series of steps, first locating potential victims, then gaining their trust, and then formulating strategies to proceed to the best location to commit a crime.<sup>30</sup> Take, for example, auto thieves, most of whom try to avoid confrontation at all costs. They rely on speed and stealth and not physical force. Auto thieves are deterred by the threat of confrontation with car owners. They know that making a mistake in planning can produce severe reactions for even minor violations. Consequently, they calculate how long the car's owner will be absent, the likelihood of their return, and the potential for retaliation. Offenders must figure out a way to make their behavior seem normal to observers, hide their intentions from prying eyes, and neutralize car owners' desire to take action to protect their property. Most develop techniques to not only steal the car but also avoid detection and escape if detected.<sup>31</sup>

### LO3

Discuss the routine activities theory of delinquency

#### **routine activities theory**

View that crime is a "normal" function of the routine activities of modern living; offenses can be expected if there is a motivated offender and a suitable target that is not protected by capable guardians.

#### **predatory crime**

Violent crimes against people, and crimes in which an offender attempts to steal an object directly from its holder.

## **Routine Activities Theory**

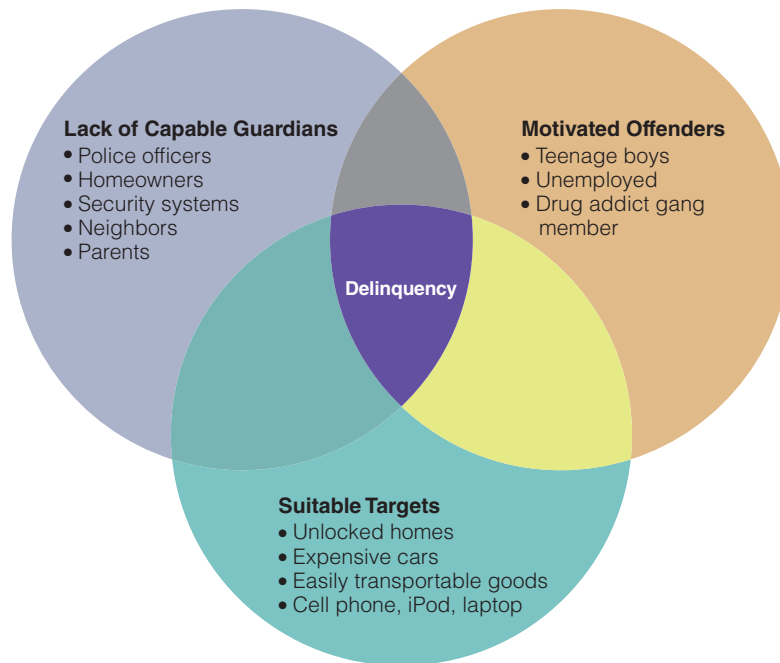
Because youthful behavior may be shaped by life experiences, why do some kids choose to commit crimes while others are resigned to a conventional lifestyle? And are there structural factors that influence delinquent decision making? According to **routine activities theory**, originally developed by Lawrence Cohen and Marcus Felson, the volume and distribution of **predatory crime** (violent crimes against the person and crimes in which an offender attempts to steal an object directly from its holder) are influenced by the interaction of three variables that reflect the routine activities found in everyday American life: the *lack of capable guardians* (such as security guards, police, homeowners neighbors, friends, and relatives), the availability of *suitable targets* (such as homes containing easily salable goods), and the presence of *motivated offenders* (such as unemployed teenagers). If each of these components is present, there is greater likelihood that a predatory crime will take place (see Figure 3.1).<sup>32</sup>

### **Capable Guardians**

The presence of capable guardians who can protect homes and businesses can reduce the motivation to commit delinquent acts. Even the most motivated offenders may ignore valuable and vulnerable targets if they are well guarded by people willing to intervene and act to prevent or stop crimes.<sup>33</sup> Effective guardians are always looking out for shady characters and are ready to call police if they spot any who look out of place.<sup>34</sup> Private homes and/or public businesses may be considered off-limits if they are well protected by vigilant police patrols and efficient security systems.<sup>35</sup> Delinquency levels are relatively low in neighborhoods where residents keep a watchful eye on their neighbors' property.<sup>36</sup>

Guardianship may also be mechanical. Security cameras can deter some types of criminal activity, such as deterring kids from vandalizing or breaking into cars in parking lots. Living in a gated community with coded gates reduces the risk of being targeted by burglars.<sup>37</sup>

Figure 3.1



**Routine Activities Theory Posits the Interaction of Three Factors Helps Explain Fluctuations in the Delinquency Rate**

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**Crime Discouragers** If the risk of getting caught can be increased, rational offenders are less likely to commit crime. The risk of crime may be increased by improving the effectiveness of **crime discouragers**: people who serve as guardians of property or people and who can help control would-be criminals.<sup>38</sup> These discouragers can be residents, employees of apartment complex owners, store managers, bar owners, parking lot attendants, or other individuals who have ownership claims to a place or are employed by that place.<sup>39</sup> Delinquent youth are certainly wary of discouragers. While aggressive policing has come under scrutiny and there have been calls to “defund the police,” evidence also suggests that proactive, aggressive law enforcement officers who quickly get to the scene of the crime help deter would-be delinquents by reducing their criminal motivation.<sup>40</sup> And having police around also convinces youths that committing crime is just too dangerous: the more crimes that result in arrest, the lower the subsequent delinquency rate.<sup>41</sup>

Discouragers do not have to be paid professionals. Parents who monitor their children’s activities serve as discouragers. Research conducted in the United States and abroad finds that the more time kids spend with supportive parents who monitor their behavior and the less time with their friends, the more limited their opportunity to commit delinquent activities.<sup>42</sup> However, for the past five decades, the number of adult caretakers at home during the day has decreased because more women have entered the workforce. Because mothers are at work and children are in daycare, homes are left unguarded and become suitable targets. Similarly, with the growth of suburbia and the decline of the traditional urban neighborhood, the number of such familiar guardians as family, neighbors, and friends has diminished.<sup>43</sup> During the COVID epidemic, both parents and children were at home as businesses and schools closed, reducing delinquent opportunity, while increasing tensions linked to sequestering in close contact. Not surprisingly, while property crime rates declined, murder rates skyrocketed.

## Suitable Targets

Routine activities theory suggests that the availability of suitable targets, such as easily transportable commodities like iPads and smartphones will increase delinquency rates.<sup>44</sup> Research has generally supported the fact that the more wealth a home contains, the more likely it will become a target.<sup>45</sup> The more high-priced, easily transported, and easily resold goods are made available, the more offenders will be motivated to profit from their theft.<sup>46</sup>

### Crime Discouragers

People who manage crime by monitoring places, guarding targets, and handling offenders.



## Motivated Offenders

As the number and motivation of offenders increase, so too do delinquency rates. What increases delinquent motivation? One possible source is scarcity of resources. Delinquency rates may increase if a surplus of youths of the same age category is competing for a limited number of jobs and educational opportunities.

Motivated offenders, suitable targets, and the lack of guardianship have an interactive effect. Delinquency rates will increase if these motivated offenders are placed in close proximity to unguarded, suitable targets. Take after-school programs, for example. Although many adults believe that such programs can reduce delinquency levels, after-school programs designed to reduce criminal activity may produce higher crime rates because they lump together motivated offenders—teen boys—with vulnerable victims, other teen boys.<sup>47</sup>

### LO4

Critique the principles of general deterrence theory

## Controlling Delinquency

If delinquency is a rational choice, as some believe, then delinquency prevention is a matter of three general strategies: (1) It stands to reason that it can be prevented by convincing potential delinquents that they will be severely punished for committing delinquent acts; then (2) they must be punished so severely that they never again commit crimes; or (3) it must be so difficult to commit crimes that the potential gain is not worth the risk. This vision has generated four strategies of control: general deterrence, specific deterrence, incapacitation, and situational crime prevention. Each is discussed below.

## General Deterrence

### general deterrence

Crime control policies that depend on the fear of criminal penalties, such as long prison sentences for violent crimes; the aim is to convince law violators that the pain outweighs the benefit of criminal activity.

The **general deterrence** concept holds that the choice to commit delinquent acts is structured by the threat of punishment. If kids believe they will get away with illegal behavior, they may choose to commit crime.<sup>48</sup> If, on the other hand, kids believe that their illegal behavior will result in apprehension and severe punishment, only the truly irrational would commit crime; they would be *deterred*.<sup>49</sup>

One of the guiding principles of deterrence theory is that the more severe, certain, and swift the punishment, the greater its deterrent effect will be.<sup>50</sup> Even if a particular crime carries a severe punishment, there will be relatively little deterrent effect if most people do not believe they will be caught.<sup>51</sup> Conversely, even a mild sanction may deter delinquency if kids believe punishment is certain.<sup>52</sup> So if the juvenile justice system can convince would-be delinquents that they will be caught—for example, by putting more police officers on the street—they may decide that delinquency simply does not pay.<sup>53</sup> In other words, kids will more likely be deterred from delinquency if they believe that they will get caught; what happens to them after apprehension seems to have less impact.<sup>54</sup>

**Perception and Deterrence** According to deterrence theory, not only the actual chance of punishment but also the *perception that punishment will be forthcoming* influence the decision to engage in delinquency.<sup>55</sup> A central theme of deterrence theory is that people who believe or imagine that they will be punished for crimes in the present will avoid doing those crimes in the future.<sup>56</sup> Even the most committed young offenders (e.g., gang members) who fear legal punishments will forego delinquent activities.<sup>57</sup> Conversely, the likelihood of being arrested and punished will have little effect on kids if they believe that they have only a small chance of suffering apprehension and punishment in the future. If kids can be convinced that illegal activities will lead to serious punishment, they will be deterred regardless of the actual or real chance of their being caught and punished.

While logical, the association between perception and deterrence is not a simple one nor does it appear to be linear—that is, the greater the perception of punishment,



Boston Globe/Getty Images

Boston police gang unit officers John Burrows, left, and Andrew Hunter try to calm a group of bystanders after they arrested a juvenile gang member. The gang unit stresses ties to the community and cooperation to reduce gang violence in Boston.

the less kids are willing to commit crime. Perception of punishment appears to change and evolve over time, shaped by a delinquent's experience and personality. Some kids are more *deterrable* than others, their perceptions shaped by their own personal experiences. It comes as no surprise that when delinquent offenders are separated into two groups—high-rate offenders who constantly break the law and low-rate offenders who occasionally are involved in antisocial behaviors—the former group's members perceive less risk and more reward from delinquent acts; low-rate offenders tend to view it as less rewarding.<sup>58</sup>

Not only are people deterred from the perceived threat of punishment, they will also avoid crime if the threat of punishment is real. The more cops are likely to make arrests, the courts to convict, and the correctional system to punish, the less likely it is that youths will engage in delinquency. This approach may work with youth because, unlike adults who do a poor job of estimating their chances of being punished, kids actually are more aware of the threat of punishment and the likelihood it will be applied if they get caught.<sup>59</sup>

How has the risk of deterrence measures been operationalized? If kids choose delinquency because "it pays," then it stands to reason that they will forgo illegal behavior if they can be convinced that "crime does not pay."<sup>60</sup> What are some deterrence-based, delinquency-reducing strategies?

**Creating Risk** One deterrent-based method is to increase the risk of delinquency by convincing would-be law violators that they are bound to be caught. One method is to create mechanical devices that increase the likelihood that an offender will be observed and captured. The installation of closed-circuit television (CCTV) surveillance cameras and improved street lighting can deter would-be delinquents who fear detection and apprehension. CCTV seems to work best in parking lots where it can reduce theft from autos and where cameras are actively monitored by police officers or security guards.<sup>61</sup>

Adding police officers is another method of creating risk. Such tactics as aggressively patrolling the streets, adding school resource officers, and creating anti-gang units are all measures designed to convince would-be delinquents that the chances of apprehension are too great to risk crime. Cities that increase the size of their patrol force are the ones most likely to experience a reduction in crime and delinquency.<sup>62</sup>

Proactive, aggressive law enforcement officers who quickly get to the scene of the crime may help deter delinquent activities.<sup>63</sup> Increasing the visibility of the police, hiring more officers, and allocating them in ways that increase the perceived risk of apprehension does produce significant deterrent effects. Deterring potential offenders is a more economical crime-control mechanism than incapacitating people in prison after they have committed a criminal offense.<sup>64</sup>

Another approach is to threaten harsh punishments, such as transfer to adult court, which carries the threat of being sentenced to an adult prison. Traditionally, the juvenile court relied on the *parens patriae* philosophy, which mandates that children be treated and not punished. This philosophy limits the power of the law to deter juvenile crime. Kids know that the sanctions given out in juvenile court are far more lenient than those given adults, and that knowledge negates the application of get-tough measures. However, the juvenile courts have also attempted to initiate a deterrence strategy. Juvenile court judges have been willing to waive youths to adult courts.<sup>65</sup> Many kids know that as they age, they will no longer be treated as a juvenile, and that an adult prison sentence is much more serious than a stay in a juvenile correctional center. Soon they may begin to realize that the risks of crime are greater than the potential profits and decide to go straight.

In sum, actual deterrence policies may work, and their application seems to have had a significant influence on the declining delinquency rate.

**Shame and Humiliation** One aspect of deterrence that seems to have an impact on juveniles involves emotions such as shame, embarrassment, and social disgrace. If kids fear being rejected by family and peers, they will be reluctant to engage in deviant behavior.<sup>66</sup> Kids who say they would be ashamed if their involvement in crime becomes public are less likely to offend than those not so easily embarrassed.<sup>67</sup>

While shame can be a powerful deterrent, young offenders also seem to be influenced by forgiveness and acceptance. They are less likely to repeat their delinquent acts if victims are willing to grant them forgiveness.<sup>68</sup>

The fear of exposure and consequent shaming may vary according to the cohesiveness of community structure and the type of crime. Informal sanctions may be most effective in highly unified areas where everyone knows one another and the crime cannot be hidden from public view. The threat of informal sanctions seems to have the greatest influence on instrumental crimes, such as burglary, which involve planning, and not on impulsive or expressive criminal behaviors, such as assault, or those associated with substance abuse.<sup>69</sup>

**Focused Deterrence** Under some circumstances, a targeted strategy that directs a surge of law enforcement activity against a few repeat offenders may help reduce delinquency rates.<sup>70</sup> One well-known approach, known as “pulling levers policing” or **focused deterrence** is about activating or pulling every deterrent “lever” available to reduce the targeted problem. If it is juvenile gang violence, responses may include shutting down drug markets, serving warrants, enforcing probation restrictions, and making disorder arrests. A major component of this approach is communicating direct and explicit messages to offenders about the responses they can expect if this behavior is not stopped. One of the most successful examples of this strategy is Boston’s Operation Ceasefire, which employs a variety of law enforcement and social agencies, including probation and parole, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), gang outreach and prevention street workers, local police, and the Drug Enforcement Administration (DEA).

The Ceasefire group delivers its message clearly to gang members: “We’re ready, we’re watching, we’re waiting. Who wants to be next?” Careful evaluations using sophisticated matching group comparisons found that the program was an effective deterrent to gang crime.<sup>71</sup>

**Do General Deterrence Strategies Work?** Punishment is up, millions of people are behind bars, and the crime rate is down. So it seems like deterrence

#### **focused deterrence**

A policy that relies on pulling every deterrent “lever” available to reduce crime in the targeted problem.

strategies do work! Or do they? While the general deterrence concept makes logical sense, there is actually little conclusive evidence that the threat of apprehension and punishment alone can deter delinquency.<sup>72</sup> Here are several reasons why strategies that attempt to frighten teens may not work:

- Deterrence strategies are based on the idea of a rational, calculating offender; they may not be effective when applied to immature young people. Many offenders are under the influence of drugs when they commit crimes, and others suffer from mental illness, while many bear the burden of both mental illness and drug abuse.<sup>73</sup> They may be impulsive and imprudent rather than reasoning and calculating. Minors tend to be less capable of making mature judgments about their behavior choices when under the influence of drugs and alcohol. In sum, even the harshest deterrence strategies may have little effect on psychologically or drug-impaired youth.<sup>74</sup>
- The deterrent threat of punishment may have little influence among high-risk offenders, such as teens living in economically depressed neighborhoods who actually commit most of the crimes in the United States. Even if they truly fear the consequences of the law, they must commit crime to survive in a hostile environment.<sup>75</sup> Young people in these areas have less to lose if arrested; they have a limited stake in society and are not worried about their future. They also may not make connections between delinquent behavior and punishment because they see many people in their neighborhood commit crimes and not get caught or punished.<sup>76</sup>
- It is also possible that experience with the law and punishment actually defuses fear of punishment, thus neutralizing its deterrent effect. Greg Pogarsky and his associates found that getting arrested had little deterrent effect on youth and that kids who experienced punishment were the ones most likely to continue committing crime. One reason may be that crime-prone youth, the ones who have a long history of delinquency, know that crime provides immediate gratification, whereas the threat of punishment remains far in the future.<sup>77</sup>
- Kids may learn to adapt to deterrent measures. Police crackdowns and gang sweeps may convince them that it's too dangerous for them to commit crime at the moment, but that does not mean they are willing to forgo future delinquent activities. They find ways to adapt to this perceived threat:
  - They reduce the number of crimes they are willing to commit during a particular period.
  - They commit less-serious crimes, assuming that even if they are apprehended, the punishment will not be as severe for a "minor" infraction. They are unlikely to be placed in a juvenile facility or waived to adult court for shoplifting, but robbery is another matter entirely.
  - They take action to reduce the chance that they will be caught and to reduce the risk of detection (e.g., stop wearing their gang colors or tagging walls).
  - They relocate to more favorable terrain.<sup>78</sup>

Deterring delinquency through the fear of punishment may have value under some but not all circumstances, and for some offenders and some crimes, but right now, the jury is still out on whether it can be an effective delinquency-control policy.

## Specific Deterrence

The theory of **specific deterrence** holds that the more severely young offenders are punished, the less likely they are to repeat their illegal acts. General deterrence focuses on potential offenders; specific deterrence targets offenders who have already been apprehended. Juveniles are sent to secure incarceration facilities with the understanding that their ordeal will deter future misbehavior.

### LO5

Examine the concept of specific deterrence

#### specific deterrence

Sending convicted offenders to secure incarceration facilities so that punishment is severe enough to convince offenders not to repeat their criminal activity.



Specific deterrence strategies suppose that people can “learn from their mistakes” and that kids who are caught and punished will perceive greater risk than those who have escaped detection.<sup>79</sup> As the perceived benefits of crime decline, desistance escalates.<sup>80</sup> Specific deterrence strategies may actually work better with young, inexperienced juvenile offenders than adult miscreants. Research shows that punishment has less of an effect on the experienced offender than it does on the novice.<sup>81</sup> Therefore, punishing an inexperienced juvenile offender may convince them that crime does not pay, while punishing a more experienced offender is simply business as usual.

While novice delinquents may be scared off by an arrest, the more experienced offender will not, and these experienced delinquents, who, after multiple arrests, are placed in a juvenile-justice facility, may actually be more likely to persist in their delinquent behaviors.<sup>82</sup> In fact, a history of prior arrests, convictions, and punishments has proven to be the best predictor of rearrest among young offenders released from correctional institutions.<sup>83</sup> Once involved in the system, the threat of punishment seems to have little deterrent effect. Why is this so?

- Offenders may believe that though they were caught and punished, the experience was actually beneficial: they have learned from their experiences, now know how to beat the system, and can get away with crime.<sup>84</sup>
- Kids who have already been severely punished by being placed in a juvenile facility may represent the “worst of the worst,” who will offend again no matter what punishments they experience.<sup>85</sup>
- Punishment may bring defiance rather than deterrence. Adolescents who are harshly treated may want to show that they cannot be broken by the system.
- Punishment might be perceived to be capricious, unjust, or unfair, causing some kids to want to lash out and retaliate against what they consider to be unfair treatment. Deterrence strategies cannot work because interaction with agents of the justice system (e.g., police) creates labeling and stigma that are powerful delinquency-producing forces. Research shows that rather than reducing delinquency, kids who have been stopped and arrested are more likely to commit future crimes and hold antisocial attitudes than those who avoid stigmatizing police contacts.<sup>86</sup>
- Punishment creates hard to erase stigma. The delinquency label may be a more powerful force that spurs future criminal acts than the deterrent effect of punishment. Kids who have been arrested, tried, found delinquent and institutionalized are the ones most likely to repeat their antisocial behaviors.<sup>87</sup>

## Incapacitation

It stands to reason that delinquents’ ability to commit illegal acts will be eliminated or at least curtailed by putting them behind bars. About 40,000 young people are now housed in juvenile correctional facilities, and others, because their case has been waived to the adult court, are incarcerated in adult prisons; there are still thousands of teenagers serving time in adult prisons.

While it seems logical that incarcerating the most dangerous repeat juvenile offenders will reduce their ability to commit delinquent acts, a strict incapacitation policy does not always produce the desired effect:

- Incarceration, especially in an adult prison, exposes younger offenders to higher-risk, more experienced inmates who can influence their lifestyle and help shape their attitudes. These prisons are “schools for crime.” The short-term delinquency reduction effect of incapacitating offenders is negated if the experience has the long-term effect of escalating the frequency and severity of their future criminality upon release.

- If crime and delinquency are functions of rational choice, the profits of illegal activity are sure to convince kids that crime pays. Therefore, someone will always be ready to take the place of the incarcerated offenders in the gang, group, or clique. New delinquents will be recruited and trained, offsetting any benefit accrued by incarceration.
- Imprisoning established offenders may open new opportunities for competitors who were suppressed by more experienced delinquents or controlled by their tougher rivals. Incarcerating gang members may open illegal markets to new groups and gangs who are even hungrier and more aggressive than the ones they replaced.
- Teens are unlikely to be incarcerated in a juvenile facility or sent to prison until well into their offending career. By the time they are arrested, waived, and sent to an adult prison, they are already past the age when they are likely to commit crime. As a result, a strict incarceration policy may keep people in prison beyond the time they are a threat to society while a new cohort of high-risk adolescents is on the street.<sup>88</sup>
- An incapacitation strategy is also terribly expensive. The prison system costs billions of dollars each year, and incarcerating a juvenile costs substantially more than incarcerating an adult. Kids must be provided with both adequate treatment and education. Even if incarceration could reduce the crime rate, the costs would be enormous.
- Even if incarceration can have a short-term effect, almost all delinquents eventually return to society. Because many of these kids are drug- and gang-involved, most also come from comparatively few urban inner-city areas. Their return may contribute to family disruption, undermine social institutions, and create community disorganization. Rather than acting as a crime suppressant, incarceration may have the long-term effect of accelerating crime rates.<sup>89</sup>

So while it is logically correct that a stay in a secure facility can reduce the length of a criminal career, there is some question whether increasing the size of the prison population reduces crime rates.<sup>90</sup>

## Situational Crime Prevention

According to the concept of **situational crime prevention**, to effectively reduce delinquent activity, planners must be aware of the characteristics of sites and situations that are at risk to crime; the things that draw or push kids toward these sites and situations; what equips potential delinquents to take advantage of illegal opportunities offered by these sites and situations; and what constitutes the immediate triggers for delinquent actions.<sup>91</sup> Delinquency can be neutralized if (a) potential targets are carefully guarded, (b) the means to commit crime are controlled, and (c) potential offenders are carefully monitored. Desperate kids may contemplate crime, but only the truly irrational will attack a well-defended, inaccessible target and risk strict punishment.

Rather than deterring or punishing individuals to reduce delinquency rates, situational crime-prevention strategies aim to reduce the opportunities people have to commit particular crimes. The idea is to make it so difficult to commit specific criminal acts that would-be delinquent offenders will be convinced that the risks of crime are greater than the rewards.<sup>92</sup> Controlling the situation of crime can be accomplished by increasing the effort, increasing the risks, and/or reducing the rewards attached to delinquent acts.

Typically, situational crime-prevention programs are divided into several different categories:

- Increasing the effort to commit delinquent acts
- Increasing the risks of delinquent activity

### LO6

Discuss the concept of situational crime prevention

#### situational crime prevention

Crime prevention method that relies on reducing the opportunity to commit criminal acts by (a) making them more difficult to perform, (b) reducing their reward, and (c) increasing their risks.

- Reducing the rewards attached to delinquent acts
- Increasing the shame of committing a delinquent act
- Reducing provocations that produce delinquent acts
- Removing excuses for committing a delinquent act
- Reducing the opportunity to perpetrate delinquent acts

#### target-hardening technique

Crime prevention technique that makes it more difficult for a would-be delinquent to carry out the illegal act—for example, by installing a security device in a home.

Increasing the effort required to commit delinquency can involve **target-hardening techniques** such as placing steering locks on cars, putting unbreakable glass on storefronts, or installing a locking device on cars that prevents drunken drivers from starting the vehicle (breath-analyzed ignition interlock device).<sup>93</sup> Access control can be maintained by locking gates and fencing yards.<sup>94</sup> The facilitators of crime can be controlled by such measures as banning the sale of spray paint to adolescents to cut down on graffiti or having photos put on credit cards to reduce their value if stolen.

Increasing the risks of delinquency might involve such measures as improving surveillance lighting, using closed-circuit TV (CCTV) monitoring, creating neighborhood watch programs, controlling building entrances and exits, installing burglar alarms and security systems, and increasing the number of private security officers and police patrols.<sup>95</sup> Research conducted in the United States and England indicates that the installation of streetlights may convince would-be burglars that their entries will be seen and reported.<sup>96</sup> Closed-circuit TV cameras have been shown to reduce the amount of car theft from parking lots while reducing the need for higher-cost security personnel.<sup>97</sup> Delinquency rate reductions seem to be maximized when CCTV and improved street lighting are used in tandem.<sup>98</sup>

Reducing the rewards of delinquency includes strategies such as marking property so it is more difficult to sell when stolen and using caller ID to discourage obscene phone calls. Tracking systems help police locate and return stolen vehicles.

Because delinquent acts are sometimes the result of extreme provocation, it might be possible to reduce delinquency rates by creating programs that reduce conflict. Posting guards outside schools at closing time might prevent childish taunts from escalating into full-blown brawls. Anti-bullying programs that have been implemented in schools are another method of reducing provocation. Alcohol is a significant factor in various kinds of crime, including rape and assaults; therefore, increasing the drinking age by introducing nonalterable photo IDs, or raising the price of beer, wine, and hard liquor so that they are beyond the typical teenager's budget might help reduce the incidence of violent crime. This approach would have significant fringe benefits, too, including fewer auto accidents and more money for state treasuries.<sup>99</sup>

Some delinquents neutralize their responsibility for their acts by learning to excuse their behavior. They say things like "I didn't know that was illegal" or "I had no choice." It might be possible to reduce delinquency by eliminating excuses. Teenage vandalism may be reduced by setting up by posting signs warning that anyone spraying on graffiti will be severely punished, eliminating the excuse, "I just didn't know that was illegal." Reducing or eliminating excuses in this way also makes it physically easy for people to comply with laws and regulations, thereby reducing the likelihood they will choose crime.

Reducing the opportunity for delinquency can also be achieved by involving kids in legitimate work efforts or afterschool programs that take up their time and reduce their opportunity to get in trouble. An example of this type of program is the Doorsteps Neighborhood Services in Toronto, Canada, designed to help children in high-risk areas complete their schoolwork and provide them with activities that helps improve their literacy and communication skills. Children who are part of this program enter into routines that increase the effort they must make if they want to get involved in afterschool crime and nuisance activities.<sup>100</sup>

**Indirect Benefits and Deficits** Increasing the risk to commit one type of delinquent act may also help prevent others, a phenomenon known as **diffusion of benefits**.<sup>101</sup> Video cameras set up in a mall to convince teens not to shoplift can also reduce property damage because young graffiti artists fear they are being caught on camera. Police surveillance set up to control drug zones may reduce the incidence of prostitution and other public-order crimes by scaring off would-be clients.<sup>102</sup> Intensive police patrols designed to target teen gangs may help reduce crime in neighboring areas as well.<sup>103</sup>

If they are effective, situational efforts may also discourage potential criminals. Discouragement may cause potential delinquents to either leave the area or seek other methods of gaining financial rewards.

While situational prevention has its hidden benefits, some costs may limit the effectiveness of these programs. A program that seems successful may simply be redirecting young offenders to alternative targets. This is known as **displacement**; crime is not prevented but deflected or displaced.<sup>104</sup> To suppress gang activity, police patrols may be beefed up in a vulnerable area, only to have gang boys shift their drug dealing to a “safer” neighborhood.<sup>105</sup>

Another problem is that some situational crime-prevention programs only have a short-term effect. Would-be delinquents soon learn how to avoid police patrols; they may try new offenses they had previously avoided, shifting from burglary to car theft. Others begin to realize that the threat is not as bad as they first thought. They soon began to realize that they can avoid police patrols and resume illegal activities.<sup>106</sup>

The various approaches to delinquency prevention based on rational choice theory are summarized in Exhibit 3.1.

#### **diffusion of benefits**

An effect that occurs when efforts to prevent one type of delinquent act may actually prevent another.

#### **displacement**

An unintended effect of crime control measures in which crime is not actually deterred or eliminated but merely shifted or displaced to a less well guarded, safer, locale.

### **Exhibit 3.1**

## **Delinquency Control Strategies Based on Rational Choice**

#### **Situational Crime Prevention**

- This strategy is aimed at convincing would-be delinquents to avoid specific targets. It relies on the doctrine that crime can be avoided if motivated offenders are denied access to suitable targets.
- Applications of this strategy include home security systems or guards, which broadcast the message that guardianship is great here, stay away; the potential reward is not worth the risk of apprehension.
- Problems with the strategy are the extinction of the effect and displacement of crime.

#### **General Deterrence Strategies**

- These strategies are aimed at making potential delinquents fear the consequences of their acts. The threat of punishment is meant to convince rational delinquents that crime does not pay.
- Applications of these strategies are mandatory sentences, waiver to adult court, and aggressive policing.
- Problems with these strategies are that delinquents are immature and may not fear punishment, and the certainty of arrest and punishment is low.

#### **Specific Deterrence Strategy**

- This strategy refers to punishing known delinquents so severely that they will never be tempted to repeat their offenses. If delinquency is rational, then painful punishment should reduce its future allure.
- An application of this strategy is placement in a punitive juvenile detention facility or secure institution.
- A problem with this strategy is that punishment may increase reoffending rates rather than deter future delinquency.

#### **Incapacitation Strategies**

- These strategies attempt to reduce crime rates by denying motivated offenders the opportunity to commit crime. If, despite the threat of law and punishment, some people still find crime attractive, the only way to control their behavior is to incarcerate them for extended periods.
- An application of these strategies is long, tough, mandatory sentences, putting more kids behind bars.
- A problem with these strategies is that people are kept in prison beyond the years they may commit crime. Minor, nondangerous offenders are locked up, and this is a very costly strategy.



## Why Do Delinquents Choose Delinquency?

All the delinquency-control methods based on choice theory assume delinquents to be motivated offenders who break the law because they perceive an abundance of benefits and an absence of threat. Increase the threat and reduce the benefits, and the delinquency rate should decline.

This logic is hard to refute. The two-decade-long crime drop seems to be linked to deterrence and incapacitation strategies and the use of situational crime prevention to reduce the opportunity to commit crime. Then, during the COVID crisis, violence rates shot up when kids were sequestered, bored, out of school, and lacking legitimate activities. At the same time, property crime rates remained stable or declined because parents were home protecting their goods and there was less to steal from unemployed, financially strapped people. Here we can see how crime and delinquency is a “routine activity.”

Yet several questions still remain unanswered. First, why do some people continually choose to break the law, even after suffering its consequences? Why are some kids law abiding even though they are indigent and have little chance of gaining economic success? Conversely, why do some affluent youths break the law when they have everything to lose and little gain?

Choice theorists also have problems explaining seemingly irrational crimes, such as vandalism, arson, and even drug abuse. To say a teenager who painted swastikas on a synagogue or attacked a gay couple was making a “rational choice” seems inadequate to explain such a destructive, purposeless act.

The relationships observed by rational choice theorists can also be explained in other ways. Take for instance the association between class and crime. Though the high victimization rates in lower-class neighborhoods can be explained by an oversupply of motivated offenders, they may also be due to other factors, such as social conflict and disorganization.<sup>107</sup>

In sum, although choice theories can contribute to understanding criminal events and victim patterns, they leave a major question unanswered: Why do some people choose crime over legal activities?

## Trait Theories: Biosocial and Psychological Views

Since age 3, Adam Lanza couldn’t bear to be touched. By middle school, the commotion in his classroom upset him and kept him apart from other kids. At age 6, he was diagnosed with “sensory integration disorder”—now known as sensory processing disorder (SPD), which made him overrespond to stimuli and find clothing, physical contact, light, sound, and food unendurable. Those with SPD may also underrespond and feel little or no reaction to pain or extreme hot and cold. Some sensory-motor problems that can cause weakness and clumsiness or delay in developing motor skills.<sup>108</sup>

When Adam was in the ninth grade, his mother brought him to Yale University’s Child Study Center for a psychiatric consult.<sup>109</sup> The doctors’ recommendation was for “extensive special education supports, ongoing expert consultation, and rigorous therapeutic supports,” a diagnosis that went largely unheeded. Adam was also suffering from untreated anxiety and obsessive-compulsive disorder, autism spectrum disorder, and Asperger syndrome. He was 6 feet tall and weighed only 112 pounds and probably suffered from anorexia as well.<sup>110</sup>

Despite these problems, Lanza resisted taking medication, a decision his mother apparently supported. He began to be disconnected from other people and most likely from his own body. He joined an online community for mass-murder enthusiasts.

Could these psychological conditions be the reason why, on December 14, 2012, the withdrawn Lanza shot his mother four times in her own bed, and then went

to Sandy Hook Elementary School in Newtown, CT, and killed six female teachers and administrators and massacred 20 first-graders before taking his own life?<sup>111</sup> Can Lanza's horrific crimes be the product of a rational mind and logical decision making?

Such inexplicable incidents as the Sandy Hook massacre convince experts that violent or deviant behavioral choices are a function of an individual's abnormal mental and/or physical makeup and not a matter of rational choice. Aggressive, antisocial, or conflict-oriented behavior are a manifestation of abnormal traits that control behavior choices.

The view that law violating youth are somehow mentally or physically "abnormal" is not a new one. Some of the earliest theories of antisocial behavior stressed that it was a product of personal traits and that measurable physical and mental conditions, such as IQ and body build, determined behavior. This was the view of early **positivists** who believed that human behavior is a function of scientifically measurable yet often uncontrollable factors, including biological and psychological traits.

The source of behavioral control is one significant difference between trait and choice theories. Whereas trait theories reason that behavior is controlled by personal traits, choice theories view behavior as purely a product of human reasoning. To a choice theorist, reducing the benefits of crime by increasing the likelihood and severity of punishment will eventually lower the crime rate. Trait theorists question the utility of punishment because those who commit crimes lack the capacity to understand their consequences. The following sections review the history and primary components of trait theory.

## Origins of Trait Theory

The first attempts to discover why criminal tendencies develop focused on the physical makeup of offenders. Biological traits present at birth were thought to predetermine whether people would live a life of crime.

The origin of this school of thought is generally credited to the Italian physician Cesare Lombroso (1835–1909).<sup>112</sup> Known as the father of criminology, Lombroso put his many years of medical research to use in his theory of **criminal atavism**.<sup>113</sup> Lombroso found that delinquents manifest physical anomalies that make them biologically and physiologically similar to our primitive ancestors. These atavistic individuals are savage throwbacks to an earlier stage of human evolution. Because of this link, the "born criminal" has such physical traits as enormous jaws, strong canines, a flattened nose, supernumerary teeth (double rows, as in snakes), handle-shaped ears, hawk-like noses, or fleshy lips. Lombroso made such statements as, "It was easy to understand why the span of the arms in criminals so often exceeds the height, for this is a characteristic of apes, whose forelimbs are used in walking and climbing."<sup>114</sup>

Contemporaries of Lombroso refined the notion of a physical basis of crime. Raffaele Garofalo (1851–1934) shared Lombroso's belief that certain physical characteristics indicate a criminal or delinquent nature.<sup>115</sup> Enrico Ferri (1856–1929), a student of Lombroso, believed that a number of biological, social, and organic factors caused delinquency and crime.<sup>116</sup>

These early views portrayed delinquent behavior as a function of a single factor or trait, such as body build or defective intelligence. They had a significant impact on early American criminology, which relied heavily on developing a science of "criminal anthropology."<sup>117</sup> Eventually, these views evoked criticism for their unsound methodology and lack of proper scientific controls. Some researchers used captive offender populations and failed to compare experimental subjects with control groups of nondelinquents or undetected delinquents. These methodological flaws made it impossible to determine whether biological traits produce delinquency. It is equally plausible that police were more likely to arrest, and courts convict, the mentally and physically abnormal. By the middle of the twentieth century, biological theories had fallen out of favor as an explanation of delinquency.

### positivists

Those who believe that all genuine knowledge is based on the scientific measurement of natural phenomena using verified and valid techniques and procedures

### LO7

Trace the history and development of trait theory

### criminal atavism

The idea that delinquents manifest physical anomalies that make them biologically and physiologically similar to our primitive ancestors, savage throwbacks to an earlier stage of human evolution.

### Biosocial theory

A theory of delinquency causation that integrates biologically determined traits and environmental stimuli.

### vulnerability model

Assumes there is a direct link between traits and crime; some people are vulnerable to crime from birth.

### differential susceptibility model

The view that some people are predisposed to environmental influences.

## Contemporary Biosocial Theory

For most of the twentieth century, delinquency experts scoffed at the notion that a youth's behavior was controlled by physical conditions present at birth. During this period, the majority of delinquency research focused on social factors, such as poverty and family life, which were believed to be responsible for law-violating behavior. However, there is growing evidence that environmental conditions interact with human traits and conditions to influence behavior. Research studies that considered both biological and social factors in the production of delinquent behavior became more common and acceptable, and the term **biosocial theory** was coined to reflect the assumed links between physical and mental traits, the social environment, and behavior.<sup>118</sup>

As John Paul Wright and Francis Cullen put it:

[T]he ideological dam preventing the development of biosocial perspectives is weakening and has sprung some leaks. The reality that humans are biological creatures who vary in biological traits is becoming too obvious to ignore.<sup>119</sup>

They argue that no two people (with rare exceptions, such as identical twins) are alike, and therefore, each will react to environmental stimuli in a distinct way. They assume that a combination of personal traits and the environment produces individual behavior patterns. People with pathological traits such as brain damage, an abnormal personality, or a low IQ may have a heightened risk for crime. This risk is elevated by environmental stresses such as poor family life, educational failure, substance abuse, and exposure to delinquent peers. For example, studies examining gene-environment interaction find that genetic makeup has a greater influence on violent behavior when an individual is exposed to neighborhood disadvantage and lives in a community with high violent-crime rates.<sup>120</sup>

## Vulnerability vs. Differential Susceptibility

Trait theorists today recognize that delinquency-producing interactions involve both personal traits (such as defective intelligence, impulsive personality, and abnormal brain chemistry) and environmental factors (such as family life, educational attainment, socioeconomic status, and neighborhood conditions). However, there are actually two views on how this interaction unfolds. The **vulnerability model** supposes a direct link between traits and crime. Some people develop physical or mental traits at birth, or soon thereafter, that affect their social functioning and put them in danger of unthinking, illogical and/or impulsive behavior choices.

In contrast, the **differential susceptibility model** suggests that some people possess physical or mental traits that make them more susceptible to environmental influences. Given their makeup, they are at risk when they encounter unfavorable social environments, but they can also benefit more than others from a favorable and supportive environment. When the social environment is adverse, individuals with this particular set of traits manifest more aggression; when the environment is supportive, those with the same makeup demonstrate less aggression than the average person. Their makeup makes them more susceptible to the environment, whether it be good or bad.<sup>121</sup>

The individual-level factors that have been linked to antisocial behavior cluster into three distinct areas: biochemical factors, neurological dysfunction, and genetic influences. These three views are discussed in some detail below.

## Biochemical Factors

There is a suspected relationship between antisocial behavior and biochemical makeup.<sup>122</sup> One view is that body chemistry can govern behavior and personality, including levels of aggression and depression.<sup>123</sup> Adolescents may be exposed to damaging chemical contaminants in utero if their mothers ingest harmful substances during

pregnancy.<sup>124</sup> The influence of damaging chemical and biological contaminants may also occur if the mother's diet either lacks or has an excess of important nutrients, such as manganese, which may later cause developmental problems in their offspring.<sup>125</sup> In sum, exposure to harmful chemicals and poor diet in utero, at birth, and beyond may affect people throughout their life course.

Another view is that abnormal body chemistry is an indirect cause of antisocial behavior through its association with abnormal psychological and mental conditions. Research conducted over the past decade shows that an over- or undersupply of certain chemicals and minerals, including sodium, mercury, potassium, calcium, amino acids, and/or iron, can lead to depression, hyperactivity, cognitive problems, intelligence deficits, memory loss, or abnormal sexual activity; these conditions have been associated with crime and delinquency.<sup>126</sup> Attention deficit hyperactivity disorder (ADHD), believed to be a precursor of delinquent behaviors, has been linked to the presence of excessive iron.<sup>127</sup>

**Smoking and Drinking** Maternal alcohol abuse and smoking during gestation have long been linked to prenatal damage and subsequent antisocial behavior in adolescence. Exposure to secondhand cigarette smoke during pregnancy predicts later conduct disorder; exposure to smoke in childhood has been associated with increased psychopathology in adolescence.<sup>128</sup> Having a parent who smokes may have a greater effect on behavior than low birthweight and poor parenting practices.

Research now shows that people who start drinking by the age of 14 are five times more likely to become alcoholics than people who hold off on drinking until the age of 21. It is possible that early exposure of the brain to alcohol may short-circuit the growth of brain cells, impairing the learning and memory processes that protect against addiction. Thus, early ingestion of alcohol will have a direct influence on behavior.<sup>129</sup>

Although parental smoking and drinking has a direct effect on youthful misbehavior, peer pressure and influence also help account for adolescent substance abuse.<sup>130</sup> Kids who abuse substances as teens will later seek out like-minded peers who reinforce these destructive behaviors, leading to greater exposure and greater attachment to like-minded peers, in a seemingly endless loop.

**Environmental Contaminants** One area of concern is that overexposure to particular environmental contaminants, including metals and minerals such as iron and manganese, may produce effects that put kids at risk for antisocial behavior.<sup>131</sup> These environmental contaminants can be especially harmful to the brains of babies and small children because they may affect the developing nervous system; babies can be exposed to harmful chemicals even before they are born.<sup>132</sup>

Exposure to the now-banned PCB (polychlorinated biphenyls), a chemical once used in insulation materials, has been shown to influence brain functioning and intelligence levels.<sup>133</sup> Pesticides such as chlorpyrifos, once used heavily in inner-city neighborhoods, have also been linked to behaviors associated with delinquency. Children exposed to large amounts of chlorpyrifos before birth are at elevated risk for developmental delays and symptoms of ADHD.<sup>134</sup> Another suspected cause of dysfunctional behavior is phthalates, industrial chemicals widely used as solvents and ingredients in plastics.<sup>135</sup> Thousands of household items, from shampoos to flooring products, contain phthalates, and research shows that exposure is related to childhood misbehavior and improper functioning.<sup>136</sup>

**Lead Contamination** In 2014, Flint Michigan's drinking water became contaminated with lead. How did this happen? As a cost-cutting move, the city began drawing its drinking water from the Flint River and treating it at the city water treatment plant while a new water pipeline to Lake Huron was being completed. Until then, Flint had used Lake Huron water treated by the Detroit Water and Sewerage Department. As a result, lead leached from pipes and fixtures into the drinking water, and more than 8,000 of the city's children were exposed to toxic lead.<sup>137</sup>



One reason the Flint water crisis is so concerning is because, of all environmental contaminants, exposure to lead is the one that has been linked most often to antisocial behaviors on both the individual and group levels.<sup>138</sup> What is equally concerning is that kids who live in substandard housing are the ones most likely to be exposed to lead, making them vulnerable to its after effects.<sup>139</sup>

Research shows that almost any elevated level of lead ingestion is related to lower IQ scores, a factor linked to aggressive behavior.<sup>140</sup> There is also evidence linking lead exposure to mental illnesses, such as schizophrenia, which have been linked to antisocial behaviors.<sup>141</sup> Young children (age 7) with high levels of lead in their blood later display antisocial behavioral symptoms such as “externalizing” (acting-out) behaviors and school problems.<sup>142</sup>

Research also shows that lead effects may actually begin in the womb due to the mother’s dietary consumption of foods, such as seafood, that are high in lead content.<sup>143</sup> Improved prenatal care may help mothers avoid the danger of lead exposure and reduce long-term crime rates.

An estimated half of all children in the United States have been exposed to high levels of lead. Approximately half a million U.S. children ages 1–5 have blood-lead levels above the reference level at which CDC recommends public health actions be initiated (3.5 micrograms per deciliter (µg/dL)).<sup>144</sup> Public health agencies worldwide have determined that there is no safe level for children’s exposure to lead, a neurotoxin. Of particular concern are kids in rural areas whose drinking water from private wells contains above average amounts of lead. Those relying on private wells (13% of U.S. households) have a 21% higher risk of any delinquency and a 38% increased risk of serious delinquency than adolescents whose drinking water comes from public sources. The reason: lead seeps into private wells from components, plumbing, and other features.<sup>145</sup>

The CDC recently reduced what is considered acceptable lead levels so that more kids can get tested and treated for exposure to this dangerous substance. However, as the following International Delinquency feature shows, problems with lead ingestion are not solely an American issue.



## International Delinquency

### The Long-Term Effects of Lead Ingestion

Research by Aaron Reuben and his colleagues looked at the effects of childhood lead ingestion on brain structure in adulthood. The study participants came from a long-term study of more than 1,000 people born in New Zealand in 1972 and 1973. Participants were members of the Dunedin Study which was made up of all individuals born between April 1972 and March 1973 in Dunedin, New Zealand, who were eligible based on residence in the province and who participated in the first assessment at age 3 years. The cohort represents the full range of socioeconomic status in the general population of New Zealand’s South Island. Reuben and his colleagues were able to obtain childhood lead exposure data from 564 of the study participants. Almost all participants had higher exposure to lead than would be permitted today most likely because they grew up before the introduction of unleaded gasoline.

Reuben and his colleagues found that adolescents who had elevated blood lead levels as children, also experienced had significant changes in brain structure as adults. These changes corresponded to the original dose of lead exposure: each 5 micrograms per deciliter more lead they were exposed to as children, correlated with a loss of an average of 2 IQ points as an adult, slightly more than 1 square centimeter less cortical surface area and 0.1 cubic centimeter less volume in the hippocampus (the area of the brain that plays a role in memory, learning, and emotions). Equally problematic, adults with the highest childhood lead exposure also showed structural deficits in the integrity of their brains’ white matter, the area responsible for communication between brain regions.

While the retested children did not perceive any loss of cognitive ability, those who are close to them perceived that

**Diet and Delinquency** There is also evidence that diet may influence behavior through its impact on body chemistry. Of particular concern is an unusually high intake of such items as artificial food coloring, milk, and sweets. Some scientists believe that chronic under- or oversupply of vitamins, such as C, B3, and B6, may be related to restlessness and antisocial behavior in youths. Evidence also exists that allergies to foods can influence mood and behavior, resulting in personality swings between hyperactivity and depression.

Research has linked youth violence and misbehavior to dietary intake. Many specific food products have been linked to antisocial behaviors, such as the omega-6 fats found in corn, safflower, soybean, cottonseed, and sunflower oils. Kids who regularly eat unhealthy foods, such as soft drinks, candy, and other confections, were compared to those whose diets contained more fruits, vegetables, and other items considered “healthier.” Youth with low-quality diets were at risk of engaging in a significantly higher rate of physical fighting relative to youth with better dietary practices. Lower diet quality has been associated with frequent physical fighting (i.e., four or more physical fights in the previous year). Interestingly, although the association between poor diet and physical fighting was significant across gender, the relationship was actually more pronounced among females.<sup>146</sup>

**Sugar Consumption** The intake of excessive amounts of sugar has been linked to delinquency. The evidence on this issue is decidedly mixed. One recent study found that the excessive intake of refined sugars and high fructose corn syrup is linked to behavioral problems because fructose lowers energy in cells, triggering a foraging response similar to what occurs when a person experiences starvation. This foraging response stimulates risk taking, impulsivity, novelty seeking, rapid decision making, and aggressiveness to aid in the securing of food as a form of survival response. Overactivation of this process due to excess sugar intake may cause impulsive behavior that can be a precursor of related psychiatric and medical disorders.<sup>147</sup>



the subjects had diminished cognitive ability, especially in memory and attention; therefore, they noticed them getting distracted or misplacing items.

In sum, these findings suggest that childhood lead exposure results in lower structural brain integrity and poorer cognitive function decades later. Although it is still too early to tell whether the participants have a higher risk for neurodegenerative diseases like dementia, these findings raise the possibility that childhood lead exposure could represent a risk factor for later-life problems. First, evidence suggests that individuals with the profile of adults exposed to lead in this study (e.g., lower MRI measurements of gray and white matter integrity) may be at higher risk of dementia in old age. Second, cognitive deficits were observed as a function of lead exposure with commensurate cognitive decline from childhood to midlife, a known risk factor for dementia. Third, mild functional impairments noticeable to others, though not

to participants themselves, suggest that diminished cognitive ability may be reached sooner than age 65 years.

In sum, the problems linked to lead exposure do not appear to end in childhood and may have deleterious effects across the life course. The link between childhood and adult misbehavior may be forged in lead.

### Critical Thinking

If the lead exposure—delinquency—crime exposure could be proven, should all criminal defendants be tested for lead effects, and if found, should they be used in a diminished capacity defense?

SOURCES: Aaron Reuben, Maxwell Elliott, Wickliffe Abraham, Jonathan Broadbent, Renate Houts, David Ireland, Annchen Knodt, Richie Poulton, Sandhya Ramrakha, Ahmad Hariri, Avshalom Caspi and Terrie Moffitt. “Association of Childhood Lead Exposure with MRI Measurements of Structural Brain Integrity in Midlife,” *Journal of the American Medical Association*, 324 (2020): 1970–1979.

**Long-Term Consequences** Growing evidence suggests that children's diet can have consequences that last a lifetime. In a classic study, Adrian Raine and his colleagues charted the long-term effects of a two-year diet enrichment program for 3-year-olds in the African nation of Mauritania. One hundred randomly selected children were placed in a program that provided them with nutritious lunches, physical exercise, and enhanced education. They were then compared with a control group made up of children who did not participate in the program. By age 17, kids who had been malnourished before they entered the nutrition program had higher scores on physical and psychological well-being than malnourished kids who did not participate in the program. By age 23, the malnourished kids who had been in the program 20 years earlier still did better on personality tests and had lower levels of self-reported crimes than the malnourished children who had not been placed in the program. Overall, the results showed that providing children with nutritious diets and enriched environments is associated with greater mental health and reduced antisocial activities later in life.<sup>148</sup>

The truth is that more research is needed before the scientific community reaches a consensus on the specific association between diet and delinquency; however, there is mounting evidence that vitamins, minerals, chemicals, and other nutrients from

## International Delinquency

### Pre-Natal Diets

Not only does diet effect affect kids during their life time, but their mother's prenatal diet may be equally influential. Take for instance the consumption of seafood, a major source of omega-3 fatty acids, which are essential for early brain development. It has been suspected that because contemporary Western diets often contain too little of these nutrients, this flaw in maternal diet during pregnancy may impede child development later in life. To test this theory, scientist physician Emily Oken and her colleagues studied more than 25,400 children born to mothers enrolled in the Danish National Birth Cohort, a long-term study that contains data on such topics as pregnancy, child development, and adult health outcomes. The researchers analyzed data on the mothers' fish consumption during pregnancy and the amount of time the women breastfed. Information on the children's mental and physical development at ages 6 months and 18 months of age was obtained from interviews conducted with the mothers at those times.

Analysis of this these data was used to determine the associations of maternal prenatal fish intake and breastfeeding duration with child developmental milestones. To determine the association, researchers used highly sophisticated multivariate statistical tests to evaluate the odds of higher developmental scores associated with maternal fish intake and breastfeeding, after adjustment for child age, sex, and growth; maternal size and pregnancy characteristics; and parental education and social status.

Oken and her research team found that higher maternal fish intake and greater duration of breastfeeding were associated with higher child developmental scores at 18 months. Associations were similar for development at 6 months. Their conclusion: maternal fish intake during pregnancy and the duration of breastfeeding are independently associated with better early child development. Future research and consumption guidelines, incorporating nutritional benefits as well as contaminant risks, should consider the overall effect of prenatal fish consumption on child development.

#### Critical Thinking

The Oken study shows that behavior is related to diet and that prevention of later antisocial activities can begin at the prenatal stage of development. Increasing a mother's intake of omega-3 and fish oil may have long-term beneficial results. How can parents be convinced to alter pre-natal diets to avoid later problems?

SOURCES: Emily Oken, Marie Louise Østerdal, Matthew Gillman, Vibeke Knudsen, Thorhallur Halldorsson, Marin Strøm, David Bellinger, Mijna Hadders-Algra, Kim Fleischer Michaelsen, and Sjurður Olsen, "Associations of Maternal Fish Intake during Pregnancy and Breastfeeding Duration with Attainment of Developmental Milestones in Early Childhood: A Study from the Danish National Birth Cohort," *American Journal of Clinical Nutrition* 88 (2008): 789–796; Emily Oken, "Fish Intake and Mercury Levels: Only Part of the Picture," *The Journal of Pediatrics* 157 (2010): 10–12; Ekaterina Maslova, Marin Strøm, Emily Oken, Hannia Campos, Christoph Lange, Diane Gold and Sjurður F. Olsen, "Fish intake during pregnancy and the risk of child asthma and allergic rhinitis—longitudinal evidence from the Danish National Birth Cohort," *British Journal of Nutrition* 110 (2013): 1313–1325.

a diet rich in fruits, vegetables, and whole grains can improve brain function, basic intelligence, and academic performance. In contrast, those lacking in proper diet seem at greatest risk to crime and delinquency.<sup>149</sup> And as the International Delinquency feature shows, diet affects children's life chances even before they are born!

## Hormonal Levels

Another area of biochemical research is concerned with hormonal levels. Antisocial behavior allegedly peaks in the teenage years because hormonal activity is at its highest level during this period. Research suggests that increased levels of the male androgen testosterone are responsible for excessive levels of violence among teenage boys.<sup>150</sup>

Adolescents who experience more intense moods, mood swings, anxiety, and restlessness than people at other points in development also have the highest crime rates.<sup>151</sup> These mood and behavior changes have been associated with family conflict and antisocial behavior.

Several biosocial theorists are now evaluating the association between criminal activities ranging from fraud to violent behavior episodes and hormone levels.<sup>152</sup> An association between hormonal activity and antisocial behavior is suggested because rates of both factors peak in adolescence.<sup>153</sup> Hormonal sensitivity may begin at the very early stages of life when the fetus can be exposed to abnormally high levels of testosterone while in the uterus. This may trigger a heightened response to the release of testosterone when an adolescent male reaches puberty. Although testosterone levels appear normal, the young male is at risk for overaggressive behavior responses.

## Neurological Dysfunction

Another focus of biosocial theory is the **neurological**—or brain and nervous system—structure of offenders. It has been suggested that children who manifest behavioral disturbances may have neurological deficits, such as damage to the hemispheres of the brain; this damage is sometimes called **minimal brain dysfunction (MBD)**.<sup>154</sup> Impairment in brain functioning may be present at birth, produced by factors such as low birthweight, brain injury during pregnancy, birth complications, and inherited abnormalities. Brain injuries can also occur later in life as a result of brutal beatings or sexual abuse by a parent and can actually cause adverse physical changes in the brain. These deformities can lead to depression, anxiety, and other serious emotional conditions.<sup>155</sup> Regardless of its cause, the association between crime and neurological impairment is quite striking: about 20% of known offenders report some type of traumatic brain injury and suffer from several antisocial traits throughout their life course.<sup>156</sup> This issue is the topic of the following Focus on Delinquency feature.

**The Long-Term Effects of Neurological Trauma** Children who suffer from measurable neurological deficits at birth also may experience several antisocial traits throughout their life course. Such damage can lead to reduction in executive functioning (EF), a condition that refers to impairment of the cognitive processes that facilitate the planning and regulation of goal-oriented behavior. These impairments can have long-term consequences, including involvement in antisocial behaviors. Impairments in EF have been implicated in a range of developmental disorders, including attention deficit hyperactivity disorder (ADHD), autism and Tourette syndrome. EF impairments also have been implicated in a range of neuropsychiatric and medical disorders, including schizophrenia, major depression, alcoholism, and structural brain disease; research has even linked this type of deficit to becoming a habitual liar.

There is also a suspected link between brain dysfunction and **conduct disorder (CD)**, considered a precursor of long-term chronic offending. Children with CD lie, steal, bully other children, frequently get into fights, and break schools' and parents' rules; many are callous and lack empathy and/or guilt. Children suffering from one form

### neurological

Pertaining to the brain and nervous system structure.

### minimal brain dysfunction (MBD)

Damage to the brain itself that causes antisocial behavior injurious to the individual's lifestyle and social adjustment.

### conduct disorder (CD)

A disorder of childhood and adolescence that involves chronic behavior problems, such as defiant, impulsive, or antisocial behavior and substance abuse.



# Focus on Delinquency

## The Brain and Delinquency

Is there something about teenage brains that make their owners crime prone? There is evidence that aggressive teen behavior may be linked to the amygdala, an area of the brain that processes information regarding threats and fear, and to a lessening of activity in the frontal lobe, a brain region associated with decision making and impulse control. This association may account for high levels of juvenile crime in disadvantaged neighborhoods. Research by Gabriela Suarez and her colleagues found that amygdala of teens living in disadvantaged neighborhoods is influenced by neighborhood context, influencing the way they react to threat found that neighborhood disadvantage was associated with greater right amygdala reactivity to threat, but only when there was perceived norms in the neighborhood to be more permissive regarding general safety and management. Their findings pinpoint the influence of neighborhood disadvantage on amygdala function, suggest that social processes may buffer the impact of adversity on brain function.

Research psychiatrist Guido Frank investigated why some teenagers are more prone than others to “reactive” aggression—that is, unpremeditated aggression in response to a trigger (for instance, an accidental bump from a passerby). He found that reactively aggressive adolescents—most commonly boys—frequently misinterpret their surroundings, feel threatened, and act inappropriately aggressive. They tend to strike back when being teased, blame others when getting into a fight, and overreact to accidents. Their behavior is emotionally “hot,” defensive, and impulsive; teens with this behavior are at high risk for lifelong social, career, or legal problems.

Frank’s research helps explain what goes on in the brains of some teenage boys who respond with inappropriate anger and aggression to perceived threats. It is possible that rather than having a social or environmental basis, such behavior is associated with brain functioning and not environment, socialization, personality, or other social and psychological functions.

Another research study examining the relationship between brain structure and delinquency was conducted by

Graeme Fairchild and colleagues with 25 girls between the ages of 14 and 18 who exhibited antisocial and/or violent behavior. The study compared them with 30 girls with no history of violent behavior. Fairchild found that participants with a history of violence had major difficulties controlling their temper, lashing out and breaking things around their homes when they got angry, and had often been involved in serious fights. Fairchild and his team evaluated the girls’ ability to recognize six facial expressions: anger, disgust, sadness, fear, surprise, and happiness. They found that the violent or antisocial girls were significantly impaired in identifying anger and disgust. Fairchild’s findings suggest that antisocial behavior or violence may not simply reflect bad choices but that, at some level, the brains of individuals with antisocial behavior may work differently. This might make it harder for them to read emotions in others—particularly to realize that someone is angry with them—and to learn from punishment. Fairchild notes that the facial recognition deficits of the violent girls resemble the deficits seen in boys with childhood-onset conduct disorder. However, the girls’ violent behavior began in their teenage years rather than in childhood, suggesting differences in antisocial behavior between girls and boys, with girls being protected from showing antisocial behavior until their teenage years.

### Critical Thinking

Is it fair, just, and legal to transfer teens who commit violent offenses to the adult court if the cause of delinquency can be linked to directly to brain malfunction or underdevelopment. Can the “teenage brain” understand the seriousness of their illegal behaviors? Or is that simply an excuse?

SOURCE: Gabriela Suarez, S. Alexandra Burt, Arianna Gard, Jared Burton, D. Angus Clark, Kelly Klump, Luke Hyde, “The Impact of Neighborhood Disadvantage on Amygdala Reactivity: Pathways Through Neighborhood Social Processes,” *Developmental Cognitive Neuroscience*, 2022 (Online ahead of print. accessed Feb. 2022); *Sciencedaily*, “Brain Chemicals Involved In Aggression Identified: May Lead To New Treatments” <https://www.sciencedaily.com/releases/2007/11/071106122309.htm> (Accessed Feb 2022)

of CD, antisocial substance disorder (ASD), have been found to repeatedly engage in risky antisocial and drug-using behaviors.<sup>157</sup>

Numerous research efforts have attempted to substantiate a link between neurological impairment and crime. Evidence suggests that this relationship can be detected fairly early and that children who suffer from measurable neurological deficits at birth are more likely to become criminals later in life.<sup>158</sup> Measurement of the brain activity

of antisocial youths has revealed impairments that might cause them to experience otherwise unexplainable outbursts of anger, hostility, and aggression. Evidence has been found linking brain damage to mental disorders such as schizophrenia and depression.<sup>159</sup> Cross-national studies also support a link between neurological dysfunction and antisocial behavior.<sup>160</sup>

Clinical analysis of convicted murderers has found that a significant number had suffered head injuries as children, and this resulted in neurological impairment.<sup>161</sup> Not surprisingly, studies of death row inmates found that a significant number had suffered head injuries as children, resulting in damage to their central nervous system and neurological impairment.<sup>162</sup>

Researchers have used the electroencephalogram to measure the brain waves and activity of delinquents and then compared them with those of law-abiding adolescents. Behaviors believed to be highly correlated with abnormal EEG functions include poor impulse control, inadequate social ability, hostility, temper tantrums, destructiveness, and hyperactivity.<sup>163</sup>

**Learning Disabilities** One specific type of MBD that has generated considerable interest is **learning disability (LD)**, a term that has been defined by the National Advisory Committee on Handicapped Children:

Children with special learning disabilities exhibit a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written languages. They may be manifested in disorders of listening, thinking, talking, reading, writing, or arithmetic. They include conditions which have been referred to as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, developmental aphasia, etc. They do not include learning problems which are due to visual, hearing, or motor handicaps, to mental retardation, emotional disturbance, or to environmental disadvantages.<sup>164</sup>

Learning-disabled kids usually exhibit poor motor coordination (such as problems with poor hand/eye coordination, trouble climbing stairs, clumsiness), have behavior problems (lack of emotional control, hostility, cannot stay on task), and have improper auditory and vocal responses (do not seem to hear, cannot differentiate sounds and noises). The relationship between learning disabilities and delinquency has been highlighted by studies showing that arrested and incarcerated children have a far higher LD rate than do children in the general population.<sup>165</sup>

Typically, there are two possible explanations of the link between learning disabilities and delinquency.<sup>166</sup> One view, known as the *susceptibility rationale*, argues that the link is caused by certain side effects of learning disabilities, such as impulsiveness, ADHD, poor ability to learn from experience, and inability to take social cues. As a result, LD kids may be more aggressive and more likely to engage in violent episodes than non-LD youth.<sup>167</sup>

In contrast, the *school failure rationale* assumes that the frustration caused by the LD child's poor school performance will lead to a negative self-image and acting-out behavior.

Because of social bias, LD kids are more likely to get arrested, and if petitioned to juvenile court, their poor school record can influence the outcome of the case. LD youths bring with them to court a record of school problems and low grades and a history of frustrating efforts by agents of the educational system to provide meaningful assistance. Adolescents becoming formally involved with the juvenile justice system because of school-related behavior and discipline problems is referred to as the *school-to-prison pipeline*. In his study of the pipeline, Christopher Mallett found that adolescents with learning disabilities are disproportionately represented within this pipeline: youthful offenders with learning disabilities, when compared with nondisabled youthful offenders, were more likely to be suspended from school, were adjudicated delinquent at younger ages, and were more frequently held in detention centers. These outcomes are all risk factors for ongoing delinquent behaviors and aptly illustrate the school to prison pipeline.<sup>168</sup>

#### **learning disability (LD)**

Neurological dysfunction that prevents an individual from learning to his or her potential.

### attention deficit hyperactivity disorder (ADHD)

A disorder in which a child shows a developmentally inappropriate lack of attention, impulsivity, and hyperactivity.

**Attention Deficit Hyperactivity Disorder (ADHD)** Many parents have noticed that their children do not pay attention to them—they run around and do things in their own way. Sometimes, this inattention is a function of age; in other instances, it is a symptom of **attention deficit hyperactivity disorder (ADHD)**, in which a child shows a developmentally inappropriate lack of attention, impulsivity, and hyperactivity. ADHD has various symptoms:

- Lack of attention
  - Frequently fails to finish projects
  - Does not seem to pay attention
  - Does not sustain interest in play activities
  - Cannot sustain concentration on schoolwork or related tasks
  - Is easily distracted
- Impulsivity
  - Frequently acts without thinking
  - Often calls out in class
  - Does not want to wait his or her turn
  - Shifts from activity to activity
  - Cannot organize tasks or work
  - Requires constant supervision in line or games
- Hyperactivity
  - Constantly runs around and climbs on things
  - Shows excessive motor activity while asleep
  - Cannot sit still; is constantly fidgeting
  - Does not remain in his or her seat in class
  - Is constantly on the go like a “motor”
  - Has difficulty regulating emotions
  - Has difficulty getting started
  - Has difficulty staying on track
  - Has difficulty adjusting to social demands

About 14% of U.S. boys and 6% of girls have been diagnosed with this disorder, and it is the most common reason children are referred to mental health clinics.<sup>169</sup>

ADHD has been associated with poor school performance, grade retention, placement in special needs classes, bullying, stubbornness, and lack of response to discipline. Children with ADHD may also be targets and more likely to be victimized by others.<sup>170</sup>

Although the origin of ADHD is still unknown, suspected causes include neurological damage, prenatal stress, and even reactions to food additives and chemical allergies. Some psychologists believe that the syndrome is essentially a chemical problem—specifically, an impairment in the chemical system that supports rapid and efficient communication in the brain’s management system.<sup>171</sup>

There are also ties to family turmoil: parents of ADHD children are more likely to be divorced or separated, and ADHD children are much more likely to move to new locales than non-ADHD children.<sup>172</sup> It may be possible that emotional turmoil either produces symptoms of ADHD or, if they already exist, causes them to intensify.

A series of research studies now links ADHD to the onset and sustenance of a delinquent career.<sup>173</sup> One analysis of data on nearly 14,000 individuals participating in the National Longitudinal Study of Adolescent Health found that children with ADHD are at a heightened risk for criminality as adults.<sup>174</sup> It is not surprising, then, that children with ADHD are more likely than non-ADHD youths to use illicit drugs, alcohol, and cigarettes in adolescence, get involved in violent acts, be arrested, be charged with a felony, have multiple arrests, and be sent to prison.<sup>175</sup>

In addition to adolescent misbehavior, hyperactive ADHD children are at greater risk for antisocial activity and drug use/abuse that persists into adulthood.<sup>176</sup> Many ADHD children also suffer from conduct disorder (CD) and continually engage in aggressive and antisocial behavior in early childhood. The disorders are sustained over the life course: children diagnosed as ADHD are more likely to be suspended from school and engage in criminal behavior as adults.<sup>177</sup>

While the association between ADHD and delinquent behavior has been empirically shown, the actual path has been debated. One view is that the association is direct and that hyperactivity leads to aggressive antisocial behaviors.<sup>178</sup> Others view the association as being more indirect: hyperactivity results in poor school achievement; school failure leads to substance abuse and depression, conditions that have long been associated with the onset of antisocial behaviors.<sup>179</sup>

How is ADHD treated? Behavior therapy techniques are routinely used described in the following Treating Delinquency feature.

Another typical treatment is doses of stimulants, such as Adderall and Ritalin, which, ironically, help control emotional and behavioral outbursts. Other therapies, such as altering diet and food intake, are now being investigated.<sup>180</sup> However, treatment is not always effective. Though some treated children with ADHD improve, many do not and continue to show a greater occurrence of externalizing (acting-out) behaviors and significant deficits in areas such as social skills, peer relations, and academic performance over the life course. They are more likely to require social services such as special education, tutoring, or psychotherapy.<sup>181</sup>

## Arousal Theory

It has long been suspected that obtaining “thrills” is a motivator of crime. Adolescents may engage in such crimes as shoplifting and vandalism simply because they offer

# Treating Delinquency

## How Is Behavior Therapy Used to Treat ADHD

Research shows that behavior therapy is an important part of treatment for children with ADHD. This condition affects not only a child's ability to pay attention or sit still at school, but it also affects relationships with family and other children. Children with ADHD often show behaviors that can be very disruptive to others. Behavior therapy is a treatment option that can help reduce these behaviors. It is often helpful to start behavior therapy as soon as a diagnosis is made.

The goals of **behavior therapy** are to learn or strengthen positive behaviors and eliminate unwanted or problem behaviors. Behavior therapy can include behavior therapy training for parents, behavior therapy with children, or a combination. Teachers can also use behavior therapy to help reduce problem behaviors in the classroom.

In parent training in behavior therapy, parents learn new skills or strengthen their existing skills to teach and guide their children and to manage their behavior. Parent training in behavior therapy has been shown to strengthen the

relationship between the parent and child, and to decrease children's negative or problem behaviors. Parent training in behavior therapy is also known as behavior management training for parents, parent behavior therapy, behavioral parent training, or just parent training.

In behavior therapy with children, the therapist works with the child to learn new behaviors to replace behaviors that don't work or cause problems. The therapist may also help the child learn to express feelings in ways that do not create problems for the child or other people.

### Critical Thinking

Is behavior therapy appropriate for all kids in trouble with the law. Do you believe that such measures could actually help to transform gang members?

SOURCE: Division of Human Development and Disability, National Center on Birth Defects and Developmental Disabilities, Centers for Disease Control and Prevention, <http://www.cdc.gov/ncbddd/adhd/treatment.html> (accessed Jan 2022)



### arousal theorists

Delinquency experts who believe that aggression is a function of the level of an individual's need for stimulation or arousal from the environment. Those who require more stimulation may act in an aggressive manner to meet their needs.

the attraction of getting away with it; delinquency is a thrilling demonstration of personal competence.<sup>182</sup> Is it possible that thrill seekers are people who have some form of abnormal brain functioning that directs their behavior?

**Arousal theorists** believe that, for a variety of genetic and environmental reasons, some people's brains function differently in response to environmental stimuli. All of us seek to maintain a preferred or optimal level of arousal: too much stimulation leaves us anxious and stressed out; too little makes us feel bored and weary. There is, however, variation in the way children's brains process sensory input. Some nearly always feel comfortable with little stimulation, while others require a high degree of environmental input to feel comfortable. The latter group become "sensation seekers" who seek stimulating activities that may include aggressive, violent behavior patterns.<sup>183</sup> Youths seeking arousal may be impulsive and lacking in self-control, traits that have been identified with high levels of delinquent and criminal behaviors.<sup>184</sup>

The factors that determine a person's level of arousal have not been fully explained. Suspected sources include brain chemistry (for example, serotonin levels) and brain structure.<sup>185</sup> The number of nerve cells with receptor sites for neurotransmitters in the brain differs among people; some have many more than others. Another view is that adolescents with low heart rates are more likely to commit crimes because they seek stimulation to increase their arousal levels to normal.<sup>186</sup>

## Genetic Influences

Individuals who share genes are alike in personality regardless of how they are reared, whereas rearing environment induces little or no personality resemblance.<sup>187</sup>

Biosocial theorists also study the genetic makeup of delinquents.<sup>188</sup> The genes-crime association may be either direct or indirect. According to the direct view, (1) antisocial behavior is inherited, (2) the genetic makeup of parents is passed on to children, and (3) genetic abnormality is directly linked to a variety of antisocial behaviors. Ronald Simons and his associates found that adolescent genetic makeup is directly linked to an aggressive response to provocation.<sup>189</sup>

It is also possible that the association is indirect: genes are related to some personality or physical traits that are also linked to antisocial behavior.<sup>190</sup> Genetic makeup may shape friendship patterns and orient people toward deviant peer associations; interacting with delinquent peers has been linked to antisocial behaviors.<sup>191</sup> Adolescent attachment to parents may be controlled by their genetic makeup; attachment that is weak and attenuated has been linked to criminality.<sup>192</sup>

It has been hypothesized that youths, both males and females, maintain a heritable genetic configuration that predisposes them to delinquent behaviors.<sup>193</sup> Biosocial theorists believe that in the same way that genes for height and eye color are inherited, antisocial behavior characteristics and mental disorders may be passed down from one generation to the next.

**Parent-Child Similarities** If antisocial tendencies are inherited, the children of criminal parents should be more likely to become law violators than the offspring of conventional parents. Several studies have found that parental criminality and deviance do, in fact, have a powerful influence on delinquent criminal behavior; the effect of the biological father's genes seem more influential than the mother's.<sup>194</sup> Some of the most important data on parental deviance were gathered by Donald J. West and David P. Farrington as part of the long-term Cambridge Youth Survey. These cohort data indicate that a significant number of delinquent youths have criminal fathers.<sup>195</sup> Whereas 8% of the sons of noncriminal fathers eventually became chronic offenders, about 37% of youths with criminal fathers were multiple offenders.<sup>196</sup> In another analysis, Farrington found that one type of parental deviance, schoolyard aggression or bullying, may be both inter- and intragenerational. Bullies have children who bully others, and these second-generation bullies grow up to father children who also become bullies, in a never-ending cycle.<sup>197</sup>

Farrington's findings are supported by research data from the Rochester Youth Development Study (RYDS), a longitudinal analysis that has been monitoring the behavior of 1,000 area youths since 1988. RYDS researchers have also found an intergenerational continuity in antisocial behavior: criminal fathers produce delinquent sons who grow up to have delinquent children themselves.<sup>198</sup> It is possible that at least part of the association is genetic.<sup>199</sup>

**Sibling Similarities** It stands to reason that if the cause of crime is in part genetic, the behavior of siblings should be similar because they share genetic material. Research does show that if one sibling engages in antisocial behavior, so do his/her brothers and sisters; the effect is greatest among same-sex siblings.<sup>200</sup> Sibling pairs who report warm, mutual relationships and share friends are the most likely to behave in a similar fashion, including drug abuse and delinquency.<sup>201</sup>

While the similarity of siblings' behavior seems striking, what appears to be a genetic effect may also be explained by other factors:

- Siblings who live in the same environment are influenced by similar social and economic factors.
- Deviant siblings may grow closer because of shared interests.
- Younger siblings who admire their older siblings may imitate the elders' behavior.
- The deviant sibling forces or threatens the brother or sister into committing delinquent acts.
- Siblings living in a similar environment may develop similar types of friends; it is peer behavior that is the critical influence.<sup>202</sup>

While these limitations need to be further explored, the research evidence seems to show a concordance of behavior in siblings that cannot be explained by environmental factors, that delinquency and crime runs in families, and that a few families with shared genetic traits account for a significant amount of all criminal and delinquent behaviors.<sup>203</sup>

**Twin Similarities** To control for environmental effects, biosocial theorists have compared the behavior of twins and non-twin siblings and found that the twins, who share more genetic material, are also more similar in their behavior. This indicates that it is heredity and not environment or socialization that controls antisocial behavior.<sup>204</sup> Recent twin studies have found a highly significant association in childhood antisocial and aggressive behaviors, including conduct disorder, ratings of aggression, delinquency, and psychopathic traits, a finding that supports a genetic basis to antisocial behavior.<sup>205</sup>

An even more rigorous test of genetic theory involves comparison of the behavior of identical monozygotic (MZ) twins with same-sex fraternal dizygotic (DZ) twins; although the former have an identical genetic makeup, the latter share only about 50% of their genetic combinations. Research has shown that MZ twins are significantly closer in their personal characteristics, such as intelligence, than are DZ twins.<sup>206</sup> Other relevant findings include:

- There is a significantly higher risk for suicidal behavior among MZ twin pairs than DZ twin pairs.<sup>207</sup>
- Differences between MZ and DZ twins have been found in tests measuring psychological dysfunctions, such as conduct disorders, impulsivity, and antisocial behavior.<sup>208</sup>
- MZ twins are closer than DZ twins in level of aggression and verbal skills.<sup>209</sup>
- Both members of MZ twin pairs who suffer child abuse are more likely to engage in later antisocial activity than DZ pairs.<sup>210</sup>

- Callous, unemotional traits in very young children can be a warning sign for future psychopathy and antisocial behavior. MZ twin pairs are more likely to be similar in levels of callous, unemotional behavior than DZ pairs.<sup>211</sup>

One famous study of twin behavior is the Minnesota Study of Twins Reared Apart (also called the Minnesota Twin Family Study). This research compares the behavior of MZ and DZ twin pairs who were raised together with the behavior of twins who were separated at birth and, in some cases, did not even know of each other's existence. The study shows striking similarities in behavior and ability for twin pairs raised apart. An MZ twin reared away from a co-twin has about as good a chance of being similar to the co-twin in terms of personality, interests, and attitudes as one who has been reared with their co-twin. The conclusion: similarities between twins are due to genes, not the environment. Because twins reared apart are so similar, the environment, if it influences them at all, makes them different (see Exhibit 3.2).<sup>212</sup>

**Adoption Studies** Another way to determine whether delinquency is an inherited trait is to compare the behavior of adopted children with that of their biological parents. If the criminal behavior of children is more like that of their biological parents (whom they have never met) than that of their adoptive parents (who brought them up), it would indicate that the tendency toward delinquency is inherited, rather than shaped by the environment.

Studies of this kind have generally supported the hypothesis that there is a link between genetics and behavior. Adoptees share many of the behavioral and intellectual characteristics of their biological parents despite the social and environmental conditions found in their adoptive homes. Biological parents of adopted hyperactive children are more likely to show symptoms of hyperactivity than are the adoptive parents; although not all hyperactive children become delinquent, a link has long been suspected.<sup>213</sup> Adoptees have been found to be more likely to get involved in criminality if their biological parent has also displayed a history of antisocial behaviors; the behavior of the biological parent may have a greater influence than that of the adoptive parent.<sup>214</sup>

## The Association Between Inherited Traits and Delinquency

Even if an association between inherited traits and delinquency can be demonstrated, its direction remains somewhat hazy. The relationship between inherited traits and delinquency may be either direct or indirect.

### Exhibit 3.2

#### Findings from the Minnesota Study of Twins Reared Apart

- MZ (identical) twins become more similar with respect to abilities such as vocabularies and arithmetic scores as they age. As DZ (fraternal) twins get older they become less similar with respect to vocabularies and arithmetic scores.
- MZ twin children have very similar brain wave patterns. By comparison, DZ twins do not show as much similarity. These results indicate that the way the brain processes information may be greatly influenced by genes.
- An EEG is a measure of brain activity or brain waves that can be used to monitor a person's state of arousal. MZ twins tend to produce strikingly similar EEG spectra; DZ twins show far less similarity.
- MZ twins tend to have more similar ages at the time of death than DZ twins do. That is, MZ twins are more likely to die at about the same age, and DZ twins are more likely to die at different ages.

SOURCE: The Minnesota Center for Twin and Family Research.

**Direct Association** Possessing a particular genetic structure makes a person prone to aggression, violence, and antisocial behavior.<sup>215</sup> Regardless of environmental influences, kids with a particular genetic code are the ones most likely to get involved in antisocial behaviors. This explains antisocial behavior among upper-class youth, some of whom may be the product of a damaged genetic package. It also accounts for the fact that the majority of the poor and desperate are still neither violent nor delinquency prone. Since the environment plays only a secondary role in the production of deviant behaviors, it is heredity and not social forces that produces delinquency.

**Indirect Association** Some kids possess inherited traits that make them prone to antisocial behavior. For example, psychopathy, impulsivity, and neuroticism have been found to be heritable; these conditions are also associated with delinquency.<sup>216</sup> Genetics may also shape family relationships, and the quality of parent-child relationships is related to antisocial behaviors.<sup>217</sup>

Connecting delinquent behavior to heredity is quite controversial because it implies that the cause of delinquency is (a) present at birth, (b) “transmitted” from one generation to the next, and (c) cannot be easily changed (because genes cannot be altered). Nor does it help that existing research has been inconclusive. Even the most methodologically sophisticated research using identical twin pairs must be interpreted with caution. If the behavior similarities between MZ twins are greater than those between DZ twins, the association may be explained by environmental rather than genetic factors: MZ twins are more likely to look alike and to share physical traits than DZ twins, and they are more likely to be treated similarly, so any correspondence in behavior may be a function of socialization and/or environment and not heredity.<sup>218</sup>

**Is There a Genetic Basis for Delinquency?** Few topics are more controversial than the assertion that delinquency is caused by some inherited traits. There would be little point to spending on educational or vocational treatment if delinquency is caused by some genetic anomaly that is immune to such measures. Critics of genetic theory believe that even if there is some evidence that delinquency is inherited, the social environment plays a more critical role in shaping behavior than genes and heredity, especially during the critical periods of childhood and adolescence. One take on the association is that the environment shapes biological processes; as environmental conditions change, so do the brain and nervous system. Adverse, dangerous, and negative environments sculpt or change an individual’s brain functioning, causing them to respond to environmental events with aggression, violence, and coercion.<sup>219</sup> Thus, if antisocial behavior is shaped at the genetic level, it’s because environmental factors influence biological functioning and not because delinquent and antisocial tendencies are inherited.<sup>220</sup> Of course, not all genetic advocates are willing to abandon their view that behavior is inherited.<sup>221</sup>

It is also possible that what appears to be a genetic connection can be explained by what is known as the **contagion effect**: kids copy both conventional and antisocial behavior of siblings.<sup>222</sup> Because the relationship between identical twins is extremely close, the contagion effect may be stronger than with other sibling pairs. And because the relationship is enduring, if one twin is antisocial, it legitimizes and supports the criminal behavior of his or her co-twin into adulthood.<sup>223</sup> Needless to say, the debate over the heritability of delinquent tendencies remains an open issue.

## Evolutionary Theory

Some theorists have speculated that the human traits producing violence and aggression have been nurtured and produced through the long process of human evolution.<sup>224</sup> According to this **evolutionary theory**, the competition for scarce resources has influenced and shaped the human species.<sup>225</sup> Over the course of human existence, people have been shaped to engage in actions that promote their well-being and ensure the survival and reproduction of their genetic line. Males who are impulsive

### contagion effect

Delinquency spreads when kids copy the behavior of peers and siblings.

### evolutionary theory

Explaining the existence of aggression and violent behavior as positive adaptive behaviors in human evolution; these traits allowed their bearers to reproduce disproportionately, which has had an effect on the human gene pool.



risk takers may be able to father more children; impulsive behavior is inherited and becomes intergenerational. It is not surprising that human history has been marked by war, violence, and aggression.

Crime rate differences between the genders, then, are less a matter of socialization than inherent differences in the mating patterns that have developed between the sexes over time.<sup>226</sup> Among young men, reckless, life-threatening “risk-proneness” is especially likely to evolve in societies where choosing not to compete means the inability to find suitable mates and to reproduce.<sup>227</sup> Aggressive males have had the greatest impact on the gene pool. The descendants of these aggressive males now account for the disproportionate amount of male aggression and violence.<sup>228</sup>

This evolutionary model suggests that a subpopulation of men has evolved with genes that incline them toward extremely low parental involvement. Sexually aggressive, they use their cunning to gain sexual conquests with as many females as possible. Because females would not willingly choose them as mates, they use stealth to gain sexual access—cheating—including such tactics as mimicking the behavior of more stable males.<sup>229</sup> Flamboyant, sexually aggressive males are especially attractive to younger, less intelligent women who begin having children at a very early age.<sup>230</sup> Their fleeting courtship process produces children with low IQs, aggressive personalities, and little chance of proper socialization in father-absent families. Because the criminal justice system treats them leniently, argues Roth, sexually irresponsible men are free to prey upon young girls. Over time, their offspring will yield an ever-expanding supply of offspring who are both antisocial and sexually aggressive.

Exhibit 3.3 offers a summary of the major biosocial theories of delinquency.

LO9

Compare the various psychological theories of delinquency

Psychological Theories of Delinquency

Some experts view the cause of delinquency as essentially psychological.<sup>231</sup> After all, most behaviors labeled delinquent—violence, theft, sexual misconduct—seem to be symptomatic of some underlying psychological problem. Psychologists point out that many delinquent youths have poor home lives, destructive relationships

Exhibit 3.3

Biosocial Theories

|              |           |   |
|--------------|-----------|---|
| Biochemical  | Premise   | Crime, especially violence, is a function of diet, vitamin intake, hormonal imbalance, and/or food allergies.   |
|              | Strengths | It explains irrational violence and shows how the environment interacts with personal traits to influence behavior.   |
| Neurological | Premise   | Criminals and delinquents often suffer brain impairment, as measured by the EEG. Learning disabilities such as attention deficit hyperactivity disorder and minimum brain dysfunction are related to antisocial behavior. |
|              | Strengths | It helps explain relationship between child abuse and crime, and why there is a relationship between victimization and violence (e.g., people who suffer head trauma may become violent).                                 |
| Genetic      | Premise   | Delinquent traits and predispositions are inherited. Criminality of parents can predict the delinquency of children.  |
|              | Strengths | It explains why only a small percentage of youths in a high-crime area become chronic offenders.  |
| Evolutionary | Premise   | Behavior patterns and reproductive traits, developed over the millennia, control behavior.  |
|              | Strengths | It explains male aggressiveness. Helps us understand why violence is so common.   |

with neighbors, friends, and teachers, and conflicts with authority figures in general. These relationships seem to indicate a disturbed personality structure. Furthermore, numerous studies of incarcerated youths indicate that the youths' personalities are marked by negative, antisocial behavior characteristics. And because delinquent behavior occurs among youths in every racial, ethnic, and socioeconomic group, psychologists view it as a function of emotional and mental disturbance, rather than purely a result of social factors, such as racism, poverty, and class conflict. Although many delinquents do not manifest significant psychological problems, enough do to give clinicians a powerful influence on delinquency theory.

Because psychology is a complex and diversified discipline, more than one psychological perspective on crime exists. Three prominent psychological perspectives on delinquency are the psychodynamic, the behavioral, and the cognitive.<sup>232</sup>

## Psychodynamic Theory

According to **psychodynamic theory**, whose basis is the pioneering work of the Austrian physician Sigmund Freud (1856–1939), law violations are a product of an abnormal personality structure formed early in life, which thereafter controls human behavior choices.<sup>233</sup> In extreme cases, mental torment drives people into violence and aggression. The basis of psychodynamic theory is the assumption that human behavior is controlled by unconscious mental processes developed early in childhood.

According to Freud, the human personality contains three major components. The *id* is the unrestrained, primitive, pleasure-seeking component with which each child is born. The *ego* develops through the reality of living in the world and helps manage and restrain the *id*'s need for immediate gratification. The *superego* develops through interactions with parents and other significant people and represents the development of conscience and the moral rules shared by most adults.

Unconscious motivations for behavior come from the *id*'s action in response to two primal needs—sex and aggression. Human behavior is often marked by symbolic actions that reflect hidden feelings about these needs. For example, stealing a car may reflect a person's unconscious need for shelter and mobility to escape from hostile enemies (aggression) or perhaps an urge to enter a closed, dark, womblike structure that reflects the earliest memories (sex).

All three segments of the personality operate simultaneously. The *id* dictates needs and desires, the *superego* counteracts the *id* by fostering feelings of morality and righteousness, and the *ego* evaluates the reality of a position between these two extremes. If these components are properly balanced, the individual can lead a normal life. If one aspect of the personality becomes dominant at the expense of the others, the individual exhibits abnormal personality traits (see Figure 3.2).

Many psychologists and psychiatrists have expanded upon Freud's original model to explain the onset of antisocial behaviors. Erik Erikson speculated that many adolescents experience a life crisis in which they feel emotional, impulsive, and uncertain of their role and purpose.<sup>234</sup> He coined the phrase **identity crisis** to denote this period of inner turmoil and confusion. Erikson's approach might characterize the behavior of youthful drug abusers as an expression of confusion over their place in society, their inability to direct behavior toward useful outlets, and perhaps their dependency on others to offer them solutions to their problems.

In his classic work, psychoanalyst August Aichorn found that social stress alone could not produce such an emotional state. He identifies **latent delinquents**—youths whose troubled family life leads them to seek immediate gratification without consideration of right and wrong or the feelings of others.<sup>235</sup> In its most extreme form, delinquency may be viewed as a form

### psychodynamic theory

Branch of psychology that holds that the human personality is controlled by unconscious mental processes developed early in childhood.

### identity crisis

Psychological state, identified by Erikson, in which youth face inner turmoil and uncertainty about life roles.

### latent delinquents

Youths whose troubled family life leads them to seek immediate gratification without consideration of right and wrong or the feelings of others.

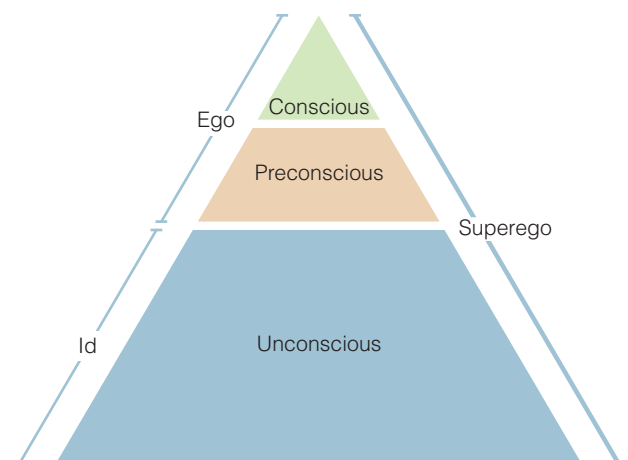


Figure 3.2

### Structure of the Id, Ego, and Superego

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of psychosis that prevents delinquent youths from appreciating the feelings of their victims or controlling their own impulsive needs for gratification.

**Psychodynamics of Delinquency** Applying these concepts, psychodynamic theory holds that youth crime is a result of unresolved mental anguish and internal conflict. Some children, especially those who have been abused or mistreated, may experience unconscious feelings associated with resentment, fear, and hatred. If this conflict cannot be reconciled, the children may regress to a state in which they become id-dominated. This regression may be considered responsible for a great number of mental diseases, and, in many cases, it may be related to criminal behavior.<sup>236</sup>

Delinquents are id-dominated people who suffer from the inability to control impulsive drives. Perhaps because they suffered from unhappy experiences in childhood or had families who could not provide proper love and care, delinquents suffer from weak or damaged egos that make them unable to cope with conventional society.<sup>237</sup> Adolescent antisocial behavior is a consequence of feeling unable to cope with feelings of oppression. Criminality actually allows youths to strive by producing positive psychic results: helping them to feel free and independent; giving them the possibility of excitement and the chance to use their skills and imagination; providing the promise of positive gain; allowing them to blame others for their predicament (for example, the police); and giving them a chance to rationalize their own sense of failure (“If I hadn’t gotten into trouble, I could have been a success”).<sup>238</sup>

The psychodynamic approach places heavy emphasis on the family’s role. Antisocial youths frequently come from families in which parents are unable to provide the controls that allow children to develop the personal tools they need to cope with the world.<sup>239</sup> If neglectful parents fail to develop a child’s superego adequately, the child’s id may become the predominant personality force; the absence of a strong superego results in an inability to distinguish clearly between right and wrong. Destructive behavior may actually be a call for help. In fact, some psychoanalysts view delinquent behaviors as motivated by an unconscious urge to be punished. These children, who feel unloved, assume the reason must be their own inadequacy; hence, they deserve punishment. Later, the youth may demand immediate gratification, lack compassion and sensitivity for the needs of others, disassociate feelings, act aggressively and impulsively, and demonstrate other psychotic symptoms. Antisocial behavior, then, may be the result of conflict or trauma occurring early in a child’s development, and delinquent activity may become an outlet for violent and antisocial feelings.

## Attachment Theory

### attachment theory

A form of psychodynamic tradition that holds that the ability to form attachments—emotional bonds to another person—has important lasting psychological implications that follow adolescents across the life span.

A view most closely associated with psychologist John Bowlby, **attachment theory** is a form of psychodynamic tradition that holds that the ability to form attachments—emotional bonds to another person—has important lasting psychological implications that follow adolescents across the life span. Attachments are formed soon after birth, when infants bond with their mothers. Infants will become frantic, crying and clinging, to prevent separation or to reestablish contact to a missing parent. Bowlby noted that this behavior is not restricted to humans and occurs in all mammals, indicating that separation anxiety may be instinctual or evolutionary. After all, attachment figures, especially the mother, provide support and care, and without attachment an infant would be helpless and could not survive.<sup>240</sup> Bowlby’s most important finding was that to grow up mentally healthy, “the infant and young child should experience a warm, intimate, and continuous relationship with his mother (or permanent mother substitute) in which both find satisfaction and enjoyment.”<sup>241</sup>

According to this view, failing to develop proper attachment may cause people to fall prey to numerous psychological disorders. Psychologists believe that children with attachment problems lack trust and respect for others. They often display many psychological symptoms, some that resemble attention deficit hyperactivity disorder

(ADHD). They may be impulsive and have difficulty concentrating and consequently experience difficulty in school. As adults, they often have difficulty initiating and sustaining relationships with others and find it difficult to sustain romantic relationships. Criminologists have linked people having detachment problems with a variety of antisocial behaviors, including sexual assault and child abuse.<sup>242</sup> It has been suggested that boys disproportionately experience disrupted attachment and that these disruptions are causally related to disproportionate rates of male offending.<sup>243</sup> Those who are not attached to parents and get little parental support are at risk of engaging in risky sexual behavior and sexual assaults when they hit their teens.<sup>244</sup> There is also evidence that disrupted parental attachment is related to the onset and persistence of substance abuse and misuse.<sup>245</sup>

## Mental Disorders and Delinquency

The view that violent delinquent behaviors can be linked to mental disorders seems plausible to most Americans. An entire generation has grown up on films and TV shows that portray violent criminals as mentally deranged and physically abnormal.<sup>246</sup> They are believed to suffer from psychosis, a serious mental disorder characterized by thinking and emotions that indicate that the person has lost contact with reality. Psychotic behavior involves both hallucinations and inappropriate responses. Psychosis takes many forms, the most common being *schizophrenia*, a condition marked by illogical thought processes, distorted perceptions, and abnormal emotional expression. The most serious types of violence and antisocial behavior might be motivated by psychosis.<sup>247</sup>

Of a less serious nature are a variety of mood and/or behavior disorders that render people histrionic, depressed, antisocial, or narcissistic.<sup>248</sup> These **mood disorders** are characterized by disturbance in expressed emotions.<sup>249</sup> Some suffer from **alexithymia**, a deficit in emotional cognition that prevents people from being aware of their feelings or being able to understand or talk about their thoughts and emotions; they seem robotic and emotionally dead.<sup>250</sup> Others may suffer from eating disorders and are likely to use fasting, vomiting, and drugs to lose weight or to keep from gaining weight.<sup>251</sup>

**Family Effects** Mental illness haunts offenders across the life course, not surprising considering that many have long histories of trauma and dysfunctional family lives.<sup>252</sup> Those who suffer family stress, which includes having a parent who is mentally ill, are more likely to suffer mental illness themselves; they are also more likely to engage in repeat and serious delinquent behaviors.<sup>253</sup>

Kids who suffer mental illness who are being raised and monitored by parents who themselves are involved in drug abuse or other forms of antisocial behavior are especially at risk. They are the one ones most likely to get involved with antisocial peers and engage in delinquent behaviors.<sup>254</sup> Research also shows that children suffering from mental distress are more likely to have developmental problems when they are the victim of family abuse from both parents and siblings. Children who are being victimized in two important relational contexts within the home show more developmental problems than children who experience such victimization in the context of one relationship. In addition, the high prevalence of sibling victimization suggests that a substantial part of the children who experience parental child maltreatment will also experience victimization by their brothers or sisters.<sup>255</sup>

The effects of mental disorders can span the life course. People who suffer mental illness symptoms, who had a long history of social problems ranging from parental drug abuse to stressful life events and relationship strain across the life course, are the ones most likely to engage in violence in adulthood.<sup>256</sup> They are more likely to be arrested for multiple crimes.<sup>257</sup> Evidence suggests that mental disorders seem to be significantly related to involvement in some specific crimes, such as arson and assault.<sup>258</sup>

### LO10

Examine the psychological disorders that have been linked to delinquency

#### mood disorder

A condition in which the prevailing emotional mood is distorted or inappropriate to the circumstances.

#### alexithymia

A deficit in emotional cognition that prevents people from being aware of their feelings or being able to understand or talk about their thoughts and emotions; sufferers seem robotic and emotionally dead.



### **disruptive behavior disorder (DBD)**

A consistent pattern of behaviors that continually breaks normal social rules and is extremely oppositional and defiant of authority.

**Disruptive Behavior Disorder** One mood disorder—**disruptive behavior disorder (DBD)**—has been linked to the onset of delinquency.<sup>259</sup> Most kids act out, especially when they are under stress. Younger children may become difficult when they are tired or hungry. They may defy parents and talk back to teachers. It would be unusual for a child not to go through the “terrible twos” or to be reasonable and mature when they are 3 years old! However, kids who are frequently uncooperative and hostile and who seem to be much more difficult than other children the same age may be suffering from a DBD.

This disorder has two components. The milder condition is referred to as oppositional defiant disorder (ODD). Children suffering from ODD experience an ongoing pattern of uncooperative, defiant, and hostile behavior toward authority figures that seriously interferes with the youngster’s day-to-day functioning. Symptoms of ODD may include frequent loss of temper; constant arguing with adults; defying adults or refusing adult requests or rules; deliberately annoying others; blaming others for mistakes or misbehavior; being angry and resentful; being spiteful or vindictive; or swearing or using obscene language.<sup>260</sup> The person with ODD is moody and easily frustrated, has a low opinion of himself or herself, and may abuse drugs as a form of self-medication.

Kids with ODD act out in many settings, but their behavior is more noticeable at home or at school. It is estimated that 5 to 15% of all school-age children have ODD. Though the causes of ODD are unknown, both biosocial and psychological sources are suspected.

The more serious DBD is conduct disorder (CD), which comprises a more acute group of behavioral and emotional problems in youngsters. As you may recall, children and adolescents with CD have great difficulty following rules and behaving in a socially acceptable way. They are often viewed by other children, adults, and social agencies as severely antisocial. Research shows that they are frequently involved in such activities as bullying, fighting, and cruelty to animals. Kids suffering from CD are more likely to carry weapons than other kids. Sexual assault and arson are common activities. Children with CD have trouble being truthful and think nothing of lying to cover up their activities. When they defy their parents, their activities are more serious than the ODD child: they cut school, stay out all night, or run away from home.

What causes CD? Numerous biosocial and psychological factors are suspected. Evidence suggests that interconnections between the frontal lobes and other brain regions may influence CD. Research also shows that CD aggregates in families, suggesting a genetic basis of the disorder.

ODD is generally assumed to be more treatable than CD. Treatment might include parent training programs to help manage the child’s behavior, individual psychotherapy, anger management, family psychotherapy, and cognitive behavioral therapy to assist problem solving.<sup>261</sup>

**Is the Link Valid?** A great deal of empirical evidence shows that kids who suffer from psychological deficits are prone to violence and antisocial behavior.<sup>262</sup> Violent youths have been clinically diagnosed as “overtly hostile,” “explosive or volatile,” “anxious,” and “depressed.”<sup>263</sup> Many delinquents exhibit indications of such psychological abnormalities as schizophrenia, paranoia, and obsessive behaviors; female offenders seem to have more serious mental health symptoms and psychological disturbances than male offenders.<sup>264</sup> Antisocial youths frequently come from families in which parents are unable to give love, set consistent limits, and provide the controls that allow children to develop the necessary personal tools to cope with the world in which they live.<sup>265</sup>

Although this evidence is persuasive, the association between mental disturbance and delinquency is unresolved. It is possible that any link is caused by some intervening variable or factor:

- Psychologically troubled youth do poorly in school, and school failure leads to delinquency.<sup>266</sup>

- Psychologically troubled youth have conflict-ridden social relationships that make them prone to commit delinquent acts.<sup>267</sup>
- While good parenting is considered a barrier against delinquency, youth who maintain abnormal psychological characteristics such as low self-control, a hostile view of relationships, and acceptance of deviant norms may neutralize the influence of positive parenting on controlling their conduct.<sup>268</sup>
- Kids who suffer child abuse are more likely to have mental anguish and commit violent acts; child abuse is the actual cause of both problems.<sup>269</sup>
- Living in a stress-filled urban environment may produce symptoms of both mental illness and crime.<sup>270</sup>
- Kids who are delinquent have reduced life chances. They do poorly in school and as adults are relegated to lower-class economic status. Educational failure and status deprivation are related to depression and other psychological deficits.<sup>271</sup>
- Adolescents with severe mental illness are more at risk to violent victimization than the mentally healthy.<sup>272</sup> Violent victimization has been linked to increased delinquency rates. Efforts to deinstitutionalize the mentally ill and treat them in more humane community settings may expose them to higher rates of both victimization and criminality.<sup>273</sup>

It is also possible that the link is caused by the treatment of the mentally ill. The police may be more likely to arrest youth whom manifest psychological problems, giving the false impression that they are crime prone.<sup>274</sup> One reason is that people classify the mentally ill as dangerous and might be more likely to relate their suspicions to police officers investigating a crime.<sup>275</sup>

Once arrested, adolescents with psychological problems are more likely to make false confessions.<sup>276</sup> What appears to be a person's admission of guilt may be an artifact of a compulsion to confess to an illegal act they have not actually committed.

**Mental Health and COVID Pandemic** The link between mental disorders and delinquency is particularly troubling considering the pervasive nature of the disease among teens. Even before the COVID-19 pandemic, mental health issues were the leading cause of disability and poor life outcomes in young people. According to the Center for Disease Control about 20% of children ages 3 to 17 in the United States, or about 8 million young people, suffered mental, emotional, developmental, or behavioral disorders.<sup>277</sup> These numbers have increased significantly during the past decade: high school aged kids reporting feelings of hopelessness and contemplating suicide increased by about 40% during this period. Since 2007 suicide rates among youth ages 10–24 in the United States have increased by almost 60%.

What has happened to the nation's youth in the wake of the COVID epidemic? Symptoms of depression and anxiety doubled during the pandemic. There were also increases in negative emotions or behaviors such as impulsivity and irritability. Emergency department visits for suspected suicide attempts were 51% higher for adolescent girls and 4% higher for adolescent boys compared to the same time period in early 2019. Of course, COVID was not the only reason for this dramatic rise in teen mental distress: rising income inequality, racial conflict, gun violence, and climate change may have also contributed to this mental health crisis.

## Behavioral Theory

Not all psychologists agree that behavior is controlled by unconscious mental processes determined by parental relationships developed early in childhood. Behavioral psychologists argue that a person's personality is learned throughout life during interaction with others. Based primarily on the works of the American psychologist John B. Watson (1878–1958) and popularized by Harvard professor B. F. Skinner

## behaviorism

Branch of psychology concerned with the study of observable behavior rather than unconscious processes; focuses on particular stimuli and responses to them.

(1904–1990), **behaviorism** concerns itself solely with measurable events and not the unobservable psychic phenomena described by psychoanalysts.

Behaviorists suggest that individuals learn by observing how people react to their behavior. Behavior is triggered initially by a stimulus or change in the environment. If a particular behavior is reinforced by some positive reaction or event, that behavior will be continued and eventually learned. However, behaviors that are not reinforced or are punished will be extinguished or become extinct. If children are given a reward (ice cream for dessert) for eating their entire dinner, eventually they will learn to eat properly as a matter of habit. Conversely, if children are punished

# Focus on Delinquency

## The Media and Delinquency

One aspect of social learning theory that has received a great deal of attention is the belief that children will model their behavior after characters they observe on TV or see in movies. Not surprising considering that children ages 6 and under spend an average of two hours a day using screen media such as TV and computers, about the same amount of time they spend playing outside, and significantly more than the amount they spend reading or being read to (about 39 minutes per day). Marketing research indicates that adolescents ages 11 to 14 watch violent horror movies at a higher rate than any other age group; kids this age use older peers and siblings and apathetic parents to gain access to R-rated films; violent video games are also a problem. Eighty percent of the games produced are violent, with realistic graphics that include blood, decapitation, guns, knives, mutilation, and death. Video games may have a greater impact on their audience than TV and movies because they immerse the players visually, auditorily, and physically rather than have them remain passive observers. There is evidence that violent video game exposure decreases helpful behaviors and increases aggressive thoughts, angry feelings, physiological arousal, and aggressive behaviors. One reason may be because exposure to violence in the virtual world desensitizes kids to violence in the real world, making it appear less threatening and foreboding. Matt DeLisi and his associates found that violent video game playing is correlated with aggression, even among the most disturbed delinquent offenders. Based on data from a sample of institutionalized juvenile delinquents, violent video games were associated with antisocial behavior even in a sample whose members are suffering from psychopathy.

### TV and Violence

A number of research methods have been used to measure the effect of adolescent TV viewing on violent behavior. One

method is to expose groups of subjects to violent TV shows in a laboratory setting and then compare their behavior to that of control groups who viewed nonviolent programming; observations have also been made in playgrounds, athletic fields, and residences. Other experiments require subjects to answer attitude surveys after watching violent TV shows. Still another approach is to use aggregate measures of TV viewing; for example, the number of violent TV shows on the air during a given time period is compared to crime rates during the same period.

Most evaluations of experimental data gathered using these techniques indicate that watching violence on TV is correlated with aggressive behaviors. Subjects who view violent TV shows are likely to commence aggressive behavior almost immediately. Children exposed to violent programming at a young age have a higher tendency for violent and aggressive behavior later in life than children who are not so exposed.

Viewing media violence has been related to both short- and long-term increases in aggressive attitudes, values, and behaviors. Teens who watch violent media are the ones most likely to engage in dating violence, especially if they do not hold strong antiviolence attitudes. Kids, especially young women, who observe “mean girls” harassing someone on TV are more likely to later engage in that behavior themselves.

Even relatively brief exposure to violent movie clips increased anxiety among late adolescents, indicating that media can create personality change. This change may account for the long-term effects of violent media: adolescents exposed to violent media are more likely to persist in aggressive behavior as adults. Children who watch more than an hour of TV each day show an increase in assaults, fights, robberies, and other acts of aggression later in life and into adulthood.

for some misbehavior, they will eventually learn to associate disapproval with that act and avoid it.

## Social Learning Theory

Not all behaviorists strictly follow the teachings of Watson and Skinner. Some hold that a person's learning and social experiences, coupled with his or her values and expectations, determine behavior. This is known as the **social learning theory** approach.<sup>278</sup> In general, children will model their behavior according to the reactions

### social learning theory (psychological)

The view that behavior is modeled through observation, either directly through intimate contact with others or indirectly through media; interactions that are rewarded are copied, whereas those that are punished are avoided.

### How Is Media Connected to Violence?

Several views may explain the link between watching violence and acting in a violent fashion. These include:

- Television violence allows aggressive youths to rationalize their behavior as a socially acceptable and common activity.
- Television violence may disinhibit aggressive behavior. Disinhibition takes place when people are seen being rewarded for violence and when violence is seen as socially acceptable.
- Watching violent media may create changes in personality and cognition, which in the long term produces negative behavioral changes.
- Viewing violence can lead to emotional desensitization toward violence in real life.
- Children exposed to violence are more likely to assume that acts of violence are socially acceptable behavior.
- Viewing violence increases fear of becoming a victim of violence, with a resultant increase in self-protective behaviors and a mistrust of others.
- Exposure to violent TV shows, movies, and video games has been found to desensitize parts of the brain that have been related to violence.

### Is the Connection Valid?

The association between violent media and violent behavior is still being studied. There are social scientists who question the claim that TV viewing is related to antisocial behavior and claim that experimental results are inconclusive and short-lived. Kids may have an immediate reaction to viewing violence on TV, but aggression is quickly extinguished once the viewing ends. Experiments showing that kids act aggressively in a laboratory setting after watching violent TV shows fail to link aggression to actual delinquent behaviors, such as rape or assault. Aggregate data are also inconclusive. Little evidence exists that areas with the highest levels of violent

TV viewing also have rates of violent crime that are above the norm. Millions of children watch violence every night yet fail to become violent criminals. And even if a violent behavior–TV link could be established, it would be difficult to show that antisocial people develop aggressive traits merely from watching TV. Aggressive youths may simply enjoy watching TV shows that conform to and support their behavioral orientation. In other words, a personal inclination toward violence may lead to viewing violent media, and not vice versa. Further research is needed to clarify this important issue.

### Critical Thinking

1. Considering the evidence, should violent TV shows be banned? Or would that have little effect on behavior since kids have access to other media sources of violence such as video games and the internet?
2. How can ecological differences in violence rates be explained since everyone has access to media violence no matter where they live? In other words, how would differences in violence rates in cities and rural communities be explained if the media was a cause of violence?

SOURCES: Lei Han, Mengshi Xiao, Min Jou, Lixia Hu, Rui Sun, Zhijin Zhou, "The long-term effect of media violence exposure on aggression of youngsters," *Computers in Human Behavior* 106 (2020): 1–11; Atika Khurana, Amy Bleakley, Morgan E. Ellithorpe, Michael Hennessy, Patrick E. Jamieson, Ilana Weitz, "Media violence exposure and aggression in adolescents: A risk and resilience perspective," *Aggressive Behavior* 45: 70–81 (2019); Sarah Coyne, "Effects of Viewing Relational Aggression on Television on Aggressive Behavior in Adolescents: A Three-Year Longitudinal Study," *Developmental Psychology* 52: 284–295 (2016); Sarah Coyne, Mark Callister, Laura Stockdale, Holly Coutts, Kevin Collier, "Just How Graphic Are Graphic Novels? An Examination of Aggression Portrayals in Manga and Associations With Aggressive Behavior in Adolescents," *Violence and Victims* 30: 208–224 (2015); Sukkyung You, Euihyung Kim, and Unkyung No, "Impact of Violent Video Games on the Social Behaviors of Adolescents: The Mediating Role of Emotional Competence," *School Psychology International* 36: 94–111 (2015); Morgan Tear and Mark Nielsen, "Video Games and Prosocial Behavior: A Study of the Effects of Non-Violent, Violent, and Ultra-Violent Gameplay," *Computers in Human Behavior* 41 (2014); Matt DeLisi, Michael Vaughn, Douglas Gentile, Craig Anderson, and Jeffrey Shook, "Violent Video Games, Delinquency, and Youth Violence: New Evidence," *Youth Violence and Juvenile Justice* 11: 132–142 (2013).



they receive from others, either positive or negative; the behavior of those adults they are in close contact with, especially parents; and the behavior they view on television and in movies (see the Focus on Delinquency feature “The Media and Delinquency”). If children observe aggression and see that the aggressive behavior, such as an adult slapping or punching someone during an argument, is approved or rewarded, they will likely react violently during a similar incident. These children will master the techniques of aggression and become more confident that their behavior will bring tangible rewards.<sup>279</sup> Children who experience violence and coercion are the ones who are more likely to model their behavior upon these experiences; violence begets violence.<sup>280</sup>

By implication, social learning suggests that children who grow up in a home where violence is a way of life may learn to believe that such behavior is acceptable and rewarding. Even if parents tell children not to be violent and punish them if they are, the children will still model their behavior on the observed parental violence.

Thus, children are more likely to heed what parents *do* than what they *say*. By mid-childhood, some children have already acquired an association between their use of aggression against others and the physical punishment they receive at home. Often their aggressive responses are directed at other family members and siblings. The family may serve as a training ground for violence because the child perceives physical punishment as the norm during conflict situations with others.<sup>281</sup>

Adolescent aggression is a result of disrupted dependency relations with parents. This refers to the frustration and anger a child feels when parents provide poor role models and hold back affection and nurturing. Children who lack close dependent ties to their parents may have little opportunity or desire to model themselves after them or to internalize their standards of behavior. In the absence of such internalized controls, the child’s aggression is likely to be expressed in an immediate, direct, and socially unacceptable fashion such as violence and aggression.<sup>282</sup>

## Cognitive Theory

A third area of psychology that has received increasing recognition in recent years is **cognitive theory**. Psychologists with a cognitive perspective focus on mental processes—the way people perceive and mentally represent the world around them, and how they solve problems. The pioneers of this school were Wilhelm Wundt (1832–1920), Edward Titchener (1867–1927), and William James (1842–1920). The cognitive perspective contains several subgroups. Perhaps the most important for criminological theory is the moral and intellectual development branch, which is concerned with how people morally represent and reason about the world.

Jean Piaget (1896–1980), the founder of this approach, hypothesized that a child’s reasoning processes develop in an orderly fashion, beginning at birth and continuing until age 12 and older.<sup>283</sup> At first, during the *sensorimotor stage*, children respond to the environment in a simple manner, seeking interesting objects and developing their reflexes. By the fourth and final stage, the *formal operational stage*, they have developed into mature adults who can use logic and abstract thought.

Lawrence Kohlberg applied the concept of developmental stages to issues in criminology.<sup>284</sup> He suggested that people travel through stages of moral development, during which the basis for moral and ethical decision-making changes. It is possible that serious offenders have a moral orientation that differs from that of law-abiding citizens. Kohlberg’s stages of development are as follows:

**Stage 1.** Right is obedience to power and avoidance of punishment.

**Stage 2.** Right is taking responsibility for oneself, meeting one’s own needs, and leaving to others the responsibility for themselves.

**Stage 3.** Right is being good in the sense of having good motives, having concern for others, and “putting yourself in the other person’s shoes.”

### cognitive theory

The branch of psychology that studies the perception of reality and the mental processes required to understand the world we live in.

**Stage 4.** Right is maintaining the rules of a society and serving the welfare of the group or society.

**Stage 5.** Right is based on recognized individual rights within a society with agreed-upon rules—a social contract.

**Stage 6.** Right is an assumed obligation to principles applying to all humankind—principles of justice, equality, and respect for human personality.

Kohlberg classified people according to the stage on this continuum at which their moral development had ceased to grow. In studies conducted by Kohlberg and his associates, criminals were found to be significantly lower in their moral judgment development than noncriminals of the same social background.<sup>285</sup> The majority of noncriminals were classified in stages 3 and 4, whereas a majority of criminals were in stages 1 and 2. Moral development theory, then, suggests that people who obey the law simply to avoid punishment or who have outlooks mainly characterized by self-interest are more likely to commit crimes than those who view the law as something that benefits all of society and who honor the rights of others. Subsequent research with delinquent youths has found that a significant number were in the first two moral development categories, whereas nondelinquents were ranked higher.<sup>286</sup> In addition, higher stages of moral reasoning are associated with such behaviors as honesty, generosity, and nonviolence, which are considered incompatible with delinquency.<sup>287</sup>

**Information Processing** Cognitive theorists who study information processing try to explain antisocial behavior in terms of perception and analysis of data. When people make decisions, they engage in a sequence of cognitive thought processes. They first encode information so that it can be interpreted. They then search for a proper response and decide upon the most appropriate action; finally, they act on their decision.<sup>288</sup>

According to this approach, adolescents who use information properly, who are better conditioned to make reasoned judgments, and who can make quick and reasoned decisions when facing emotion-laden events are the ones best able to avoid antisocial behavior choices.<sup>289</sup> In contrast, delinquency-prone adolescents may have cognitive deficits and use information incorrectly when they make decisions.<sup>290</sup> They have difficulty making the “right decision” while under stress. One reason is that they may be relying on mental “scripts” learned in their early childhood that tell them how to interpret events, what to expect, how they should react, and what the outcome of the interaction should be.<sup>291</sup> Hostile children may have learned improper scripts by observing how others react to events; their own parents’ aggressive and inappropriate behavior would have considerable impact. Some children may have had early and prolonged exposure to violence, such as child abuse, which increases their sensitivity to teasing and maltreatment. They may misperceive behavioral cues because their decision making was shaped by traumatic life events.<sup>292</sup>

Oversensitivity to rejection by their peers is a continuation of sensitivity to rejection by parents.<sup>293</sup> Violence becomes a stable behavior because the scripts that emphasize aggressive responses are repeatedly rehearsed as the child matures. They view crime as an appropriate means to satisfy their immediate personal needs, which take precedence over more distant social needs such as obedience to the law.<sup>294</sup>

Violence-prone kids see the world around them as filled with aggressive people. They are overly sensitive and tend to overreact to provocation. As these children mature, they use fewer cues than most people to process information. Some use violence in a calculating fashion as a means of getting what they want; others react in an overly volatile fashion to the slightest provocation. When they attack victims, they may believe they are defending themselves, even though they are misreading the situation.<sup>295</sup> Adolescents who use violence as a coping technique with others are also more likely to exhibit other social problems, such as drug and alcohol abuse.<sup>296</sup>

There is also evidence that delinquent boys who engage in theft are more likely to exhibit cognitive deficits than nondelinquent youth. For example, they have a poor sense of time, leaving them incapable of dealing with or solving social problems in an effective manner.<sup>297</sup>

The following Treating Delinquency feature looks at a treatment program that used a cognitive approach to treat sexually abused children.

## Personality and Delinquency

*Personality* can be defined as the reasonably stable patterns of behavior, including thoughts and emotions, that distinguish one person from another.<sup>298</sup> An individual's personality reflects characteristic ways of adapting to life's demands and problems. The way we behave is a function of how our personality enables us to interpret life events and make appropriate behavioral choices.

Can the cause of delinquency be linked to personality? There has been a great deal of research on this subject and an equal amount of controversy and debate over the findings.<sup>299</sup> In their early work, Sheldon Glueck and Eleanor Glueck identified several personality traits that characterize delinquents:

self-assertiveness  
extroversion

suspicion  
poor personal skills

# Treating Delinquency

## Therapeutic Approaches for Sexually Abused Children

Sexual abuse of children is a significant social problem. Estimates suggest that between 20 and 32% of females experience sexual abuse, and 4 to 8% of males are victims. Therapeutic approaches for sexually abused children and adolescents are designed to reduce the effects of sexual abuse that can manifest in various ways, such as posttraumatic stress disorder (PTSD), fear, and anxiety; 37 to 53% of sexually abused children develop PTSD. Traumatic reactions may include re-experiencing the abuse through memories or dreams, or actively attempting to avoid situations or stimuli that remind the child of the abuse. Victims may engage in externalizing behaviors such as sexual behavioral problems, hyperactivity, and aggression. Alternatively, the effects of sexual abuse can cause children to exhibit internalizing behaviors such as depression and anxiety.

Sexual abuse can be a single occurrence or can occur over a period of time, sometimes even years. The duration of exposure depends on a range of factors, such as the perpetrator's access to the child or young person and the steps taken to secure the victim's silence, such as threats. Child sexual abuse can be perpetrated within the family, by those known to the children outside of the home, or by strangers.

The majority of sexual abuse is committed by people known to the victim, although most are not members of their family; around one third of perpetrators are family members. Therapeutic approaches for sexually abused children and adolescents aim to reduce the developmental consequences that result from this distinct form of maltreatment.

### Using Cognitive Behavioral Therapy

There are a variety of therapeutic approaches that are designed to treat the negative impacts of child sexual abuse, such as cognitive behavioral therapy (CBT), cognitive behavioral therapy for sexually abused preschoolers, trauma-focused cognitive behavioral therapy, child-centered therapy, eye movement desensitization and reprocessing, imagery rehearsal therapy, a recovering from abuse program, supportive counseling, and stress inoculation training.

CBT is a well-known treatment approach that can be delivered individually to the victim or in a group setting. For child victims of sexual abuse, CBT focuses on the meaning of the events for children and their nonoffending parents, addressing the maladaptive cognitions (e.g., being "soiled"), misattributions (e.g., feelings of blame), and low self-esteem. Interventions may

|                       |                            |
|-----------------------|----------------------------|
| defiance              | destructiveness            |
| ambivalence           | mental instability         |
| impulsiveness         | sadism                     |
| feeling unappreciated | hostility                  |
| narcissism            | lack of concern for others |
| distrust of authority | resentment <sup>300</sup>  |

The Gluecks' research is representative of the view that delinquents maintain a distinct personality whose characteristics increase the probability that (a) they will be aggressive and antisocial, and (b) their actions will involve them with agents of social control, ranging from teachers to police.

**Personality and Antisocial Behaviors** Since the Gluecks' findings were published, other research efforts have attempted to identify personality traits that would increase the chances for a delinquent career.<sup>301</sup> A common theme is that delinquents are hyperactive, impulsive individuals with short attention spans (attention deficit disorder), who frequently manifest conduct disorders, anxiety disorders, and depression.<sup>302</sup>

**Impulsivity** Some adolescents act impulsively. We know that a relatively small group of chronic offenders commits a significant percentage of all serious crimes.

also try to address overt behaviors such as sexualized behavior, externalizing behaviors, or internalizing behaviors.

CBT is designed to address symptoms such as emotional distress, anxiety, and behavior problems. CBT helps children cope effectively with their emotional distress by teaching relaxation techniques and various other skills such as emotional expression skills and cognitive coping skills. Further, children and their parents are taught how to label feelings and communicate them to others. To reduce anxiety, CBT teaches children and adolescents to recognize the signs of anxiety and the stimuli that trigger it so that they can gradually replace their maladaptive responses with adaptive ones. Finally, to reduce behavior problems, CBT teaches parents how behavior is triggered, shaped, and possibly maintained by consequences. CBT also teaches parents how to improve their child's behavior, and about the impact that the sexual abuse had so that they are better able to understand their child's behavior.

### Alternative Approaches

As a type of cognitive behavioral treatment, imagery rehearsal therapy (IRT) can also be used as a therapeutic approach to child sexual abuse. Given that approximately 70% of individuals with PTSD experience chronic nightmares, which most often include reliving their traumatic experiences, IRT is used

to help alleviate the posttraumatic nightmares. With IRT, children and adolescents are asked to recall their nightmares and, in time, rewrite the nightmares into less threatening content.

Another therapeutic approach that can be used to treat victims of child sexual abuse is eye movement desensitization and reprocessing (EMDR). The goal of EMDR treatment is to help individuals who have experienced traumatic stress to reprocess and adaptively store traumatic memories. Treatment sessions focus on the past experiences that may have caused PTSD or other psychological disorders; the current circumstances that trigger dysfunctional emotions, beliefs, and sensations; and the positive experiences that can improve future adaptive behaviors and mental health.

Therapeutic approaches to child and adolescent sexual abuse have been found to have statistically significant impacts on symptoms of PTSD/trauma. Research shows that participants in treatment groups had lower PTSD/trauma symptoms than comparison group participants. Meta-analysis of treatment programs indicates groups experienced greater decreases in PTSD/trauma symptoms as a result of therapy, compared with the comparison groups.

SOURCE: Shane Harvey, "Therapeutic Approaches for Sexually Abused Children and Adolescents," National Institute of Justice, <http://www.crimesolutions.gov/PracticeDetails.aspx?ID=45> (accessed Jan 2022).



### extravert

A person who behaves impulsively and doesn't have the ability to examine motives and behavior.

### neuroticism

A personality trait marked by unfounded anxiety, tension, and emotional instability.

### callous-unemotional disorder (CU)

Personality traits characterized by low empathy, callousness, lack of affect and a lack of concern for the effects of their behavior on others.

### antisocial personality disorder (ASPD)

A person lacking in warmth and affection, exhibiting inappropriate behavior responses, and unable to learn from experience.

### psychopath

A destructive set of personality behaviors that include lack of empathy, impulsiveness, superficial charm and insensitivity to punishment.

### sociopath

A personality disorder, in which a person consistently shows no regard for right and wrong and ignores the rights and feelings of others

Some psychologists believe this select group suffers from an innate or inherited emotional state that renders them both incapable of fearing punishment and less likely to appreciate the consequences of crime. Their compulsive behavior and heightened emotional state negate the deterrent effect of the law; they are unlikely to be deterred by the future threat of punishment.

Take for instance sex offenders, whose compulsive behavior is difficult to control. The evidence showing that public sex offender registration can control crime has been spotty. Research shows that registration lists and similar mechanisms have little effectiveness on delinquent sex offenders.<sup>303</sup>

These traits make them prone to problems ranging from psychopathology to drug abuse, sexual promiscuity, and violence.<sup>304</sup> Suspected traits include impulsivity, hostility, and aggressiveness.<sup>305</sup> The psychologist Hans Eysenck identified two important personality traits that he associated with antisocial behavior: extraversion and neuroticism. Eysenck defines **extraverts** as impulsive individuals who lack the ability to examine their own motives and behaviors; **neuroticism** produces anxiety, tension, and emotional instability.<sup>306</sup> Youths who lack self-insight and are impulsive and emotionally unstable are likely to interpret events differently than youths who give reasoned judgments to life events. Though the former may act destructively, for example, by using drugs, the latter will be able to reason that such behavior is ultimately self-defeating and life threatening. Youths who are both neurotic and extraverted often lack insight, are highly impulsive, and more likely than other delinquents to become chronic offenders.<sup>307</sup>

**The Antisocial Personality** It has also been suggested that chronic delinquency may result abnormal or antisocial personality traits such as **callous-unemotional (CU)** or **antisocial personality disorder (ASPD)**. In the past, both adolescents and adults who manifested these conditions were commonly referred to as **psychopaths** or **sociopaths**; though those terms are no longer used by most clinicians, they are still employed by the general public.<sup>308</sup>

Antisocial youths typically start out by showing symptoms of oppositional defiant disorder ODD and then transition into conduct disorder (CD) in youth. They are callous and unemotional.<sup>309</sup> In their late teens, they exhibit superficial charm and above-average intelligence; these often mask a disturbed personality that makes them incapable of forming enduring relationships with others.<sup>310</sup> Frequently involved in such deviant behaviors as truancy, running away, lying, substance abuse, and impulsivity, people with CU and ASPD lack the ability to empathize with others. As they mature, they exhibit a low level of guilt and anxiety and persistently violate the rights of others.<sup>311</sup> From an early age, their home life is filled with frustration, bitterness, and quarreling.

Consequently, throughout life, the person suffering from ASPD is unreliable, unstable, demanding, and egocentric. They always in trouble, do not learn experience nor punishment, and maintaining no real loyalties to any person, group, or code. They are frequently callous and hedonistic, showing marked emotional immaturity, with lack of responsibility, lack of judgment, and an ability to rationalize their behavior so that it appears warranted, reasonable, and justified.<sup>312</sup>

Those considered antisocial are believed to be thrill seekers who engage in violent, destructive behavior.<sup>313</sup> They may constantly engage in risky behaviors such as car theft and joy riding.<sup>314</sup>

**What Causes Antisocial Personalities to Develop?** Several factors have been found to contribute to the development of ASPD: having an emotionally disturbed parent, a lack of love, parental rejection during childhood, and inconsistent discipline. Children who lack the opportunity to form an attachment to a mother figure in the first three years of life, who suffer sudden separation from the mother figure, or who see changes in the mother figure are most likely to develop psychopathic personalities. According to this view, the path runs from antisocial parenting to ASPD to criminality.<sup>315</sup>

Another view is that antisocial personality is heritable and passed down genetically from one generation to the next.<sup>316</sup> Inherited genetic makeup may cause antisocial children to suffer from lower than normal levels of arousal.<sup>317</sup> While most youth may become anxious and afraid when facing the prospect of committing a delinquent act, antisocial kids may need that excitement to bring them up to comfortable arousal levels so they feel “normal.”<sup>318</sup>

## Intelligence and Delinquency

Psychologists have long been concerned with the development of intelligence and its subsequent relationship to behavior. It has been charged that children with low IQs are responsible for a disproportionate share of delinquency.

Early criminologists believed that low intelligence was a major cause of delinquency. They thought that if it could be determined which individuals were less intelligent, it might be possible to identify potential delinquents before they committed socially harmful acts.<sup>319</sup> Because social scientists had a captive group of subjects in training schools and penal institutions, studies began to appear that measured the correlation between IQ and crime by testing adjudicated juvenile delinquents. Delinquent juveniles were believed to be inherently substandard in intelligence and naturally inclined to commit more crimes than more intelligent people. Thus, juvenile delinquents were used as a test group around which numerous theories about intelligence were built.

**Nature Theory** When the newly developed IQ tests were administered to inmates of prisons and juvenile training schools in the first decades of the twentieth century, a large proportion of the inmates scored low on the tests. Henry Goddard found in his studies in 1920 that many institutionalized people were what he considered “feeble-minded” and thus concluded that at least half of all juvenile delinquents were mental defectives.<sup>320</sup>

Similarly, in 1926, William Healy and Augusta Bronner tested a group of delinquents in Chicago and Boston and found that 37% were subnormal in intelligence.<sup>321</sup> They concluded that delinquents were 5 to 10 times more likely to be mentally deficient than nondelinquent boys.

These and other early studies were embraced as proof that low IQ scores indicated potentially delinquent children and that a correlation existed between innate low intelligence and deviant behavior. IQ tests were believed to measure the inborn genetic makeup of individuals, and many criminologists accepted the predisposition of substandard individuals toward delinquency. This view is known as **nature theory** of intelligence.

**Nurture Theory** Development of culturally sensitive explanations of human behavior in the 1930s led to the **nurture theory** of intelligence. This school of thought holds that intelligence must be viewed as partly biological but primarily sociological. Nurture theory argues that intelligence is not inherited and that low-IQ parents do not necessarily produce low-IQ children.<sup>322</sup> It discredits the notion that people commit crimes because they have low IQ scores. Instead, it holds that environmental stimulation from parents, relatives, schools, peer groups, and innumerable others creates a child’s IQ level and that low IQs result from an environment that also encourages delinquent and criminal behavior.<sup>323</sup> For example, if educational environments could be improved, the result might be both an elevation in IQ scores and a decrease in delinquency.<sup>324</sup> Studies challenging the assumption that people automatically committed delinquent acts because they had below-average IQs began to appear as early as the 1920s. John Slawson’s study of 1,543 delinquent boys in New York institutions found that although 80% of the delinquents achieved lower scores in abstract verbal intelligence than the general population, delinquents were about normal in mechanical aptitude and nonverbal intelligence. Slawson found no relationship between the number of arrests, the

### nature theory

Holds that low intelligence is genetically determined and inherited.

### nurture theory

Holds that intelligence is partly biological but mostly sociological; negative environmental factors encourage delinquent behavior and depress intelligence scores for many youths.

types of offenses, and IQ.<sup>325</sup> In 1931, Edwin Sutherland also evaluated IQ studies of criminals and delinquents and found evidence disputing the association between intelligence and criminality.<sup>326</sup> These findings did much to discredit the notion that a strong relationship existed between IQ and criminality, and for many years the IQ-delinquency link was ignored.

**IQ and Delinquency** A study published by Travis Hirschi and Michael Hindelang revived interest in the association between IQ and delinquency.<sup>327</sup> After conducting a thorough statistical analysis of IQ and delinquency data sets, Hirschi and Hindelang concluded both that IQ tests are a valid predictor of intelligence and that “the weight of evidence is that IQ is more important than race and social class” for predicting delinquent involvement. They argued that a low IQ increases the likelihood of delinquent behavior through its effect on school performance: youths with low IQs do poorly in school, and school failure and academic incompetence are highly related to delinquency.

The Hirschi-Hindelang findings have been supported by several research efforts.<sup>328</sup> In their widely read *Crime and Human Nature*, James Q. Wilson and Richard Herrnstein came to this conclusion:

... there appears to be a clear and consistent link between criminality and low intelligence. That is, taking all offenders as a group, and ignoring differences among kinds of crime, criminals seem, on the average, to be a bit less bright and to have a different set of intellectual strengths and weaknesses than do noncriminals as a group.<sup>329</sup>

Contemporary research efforts have continued to uncover an association between low IQ scores and antisocial behavior. Scores on intelligence tests have been used to predict violent behavior and to distinguish between groups of violent and nonviolent offenders.<sup>330</sup> On an individual level, there is evidence linking low IQ scores with violent crimes, including murder.<sup>331</sup> In addition to these micro-level studies, others using macro-level state and county data found that IQ and delinquency rates are associated. Several research projects have found evidence that states and counties whose residents have higher IQs experience lower crime rates than those with less-intelligent kids.<sup>332</sup> In contrast, kids who are at risk to crime because of early onset of conduct problems may have their path to delinquent careers interrupted if they have above average intelligence and reasoning ability.<sup>333</sup>

Those experts who believe that IQ may have a direct influence on the onset of delinquent involvement argue that the key linkage between IQ and delinquency is the ability to manipulate abstract concepts. Low intelligence limits adolescents’ ability to “foresee the consequences of their offending and to appreciate the feelings of victims.”<sup>334</sup> Therefore, youths with limited intelligence are more likely to misinterpret events and gestures, act foolishly, take risks, and engage in harmful behavior.

**IQ and Delinquency Controversy** The relationship between IQ and delinquency is extremely controversial. It implies there is a condition present at birth that accounts for a child’s delinquent behavior throughout the life cycle and that this condition is not easily changed or improved. By implication, if delinquency is not spread evenly through the social structure, neither is intelligence. The controversy has been fueled by charges that IQ tests are culturally biased and invalid, which makes any existing evidence at best inconclusive. Kids who live in disadvantaged neighborhoods find their verbal ability is stunted, and this deficit makes them prone to delinquency. Environment then mediates the association between verbal ability and delinquency.<sup>335</sup>

Evidence also suggests that delinquency is a reflection of poor school performance and educational failure, and that if there is an IQ–delinquency link it’s because kids with low IQ do poorly in the classroom.<sup>336</sup> As Wilson and Herrnstein put it, “A child who chronically loses standing in the competition of the classroom may feel justified

in settling the score outside, by violence, theft, and other forms of defiant illegality.”<sup>337</sup> Because the relationship runs from low IQ to poor school performance to frustration to delinquency, school officials need to recognize the problem and plan programs to help underachievers perform better in school. As the hypothesized relationship between IQ and delinquency, even if proved to be valid, is an indirect one, educational enrichment programs can help counteract any influence intellectual impairment has on the predilection of young people to commit crime.

## Critiquing Individual-Level Theories

Individual-level studies have been criticized on several grounds. One view is that the research methodologies they employ are weak and invalid. Most research efforts use adjudicated or incarcerated offenders. It is often difficult to determine whether findings represent the delinquent population or merely those most likely to be arrested and adjudicated by officials of the justice system. For example, some critics have described the methods used in heredity studies as “poorly designed, ambiguously reported and exceedingly inadequate in addressing the relevant issues.”<sup>338</sup>

Some critics also fear that individual-level research can be socially and politically damaging. If an above-average number of indigent youth become delinquent offenders, can it be assumed that the less affluent are impulsive, greedy, have low IQs, or are genetically inferior? To many social scientists, the implications of this conclusion are unacceptable in light of what is known about race, gender, and class bias.

Critics also suggest that individual-level theory is limited as a generalized explanation of delinquent behavior because it fails to account for the known patterns of criminal behavior. Delinquent behavior trends seem to conform to certain patterns linked to social-ecological rather than individual factors—social class, seasonality, population density, and gender roles. Social forces that appear to be influencing the onset and maintenance of delinquent behavior are not accounted for by explanations of delinquency that focus on the individual. If, as is often the case, the delinquent rate is higher in one neighborhood than another, are we to conclude that youths in the high-crime area are more likely to be watching violent TV shows or eating more sugar-coated cereals than those in low-crime neighborhoods? How can individual traits explain the fact that crime rates vary between cities and between regions?

**Defending Individual-Level Theory** The legitimization of social-psychological, psychiatric, and biosocial approaches to explaining deviant behavior may prove to be an important and productive paradigm shift in the decades ahead.<sup>339</sup>

Theorists who focus on individual behavior contend that critics overlook the fact that their research often gives equal weight to environmental and social as well as mental and physical factors.<sup>340</sup> Some people may have particular developmental problems that place them at a disadvantage in society, limit their chances of conventional success, and heighten their feelings of anger, frustration, and rage. Though the incidence of these personal traits may be spread evenly across the social structure, families in one segment of the population have the financial wherewithal to help treat the problem, whereas families in another segment may lack the economic means and the institutional support needed to help their children. Delinquency rate differences may be a result of differential access to opportunities either to commit crime or receive the care and treatment needed to correct and compensate for developmental problems.

In addition, individual-level theorists believe that, like it or not, youths are in fact different and may have differing potentials for antisocial acts. For example, gender differences in the violence rate may be explained by the fact that after centuries of aggressive mating behavior, males have become naturally more violent than females.<sup>341</sup> Male aggression may be more a matter of genetic transfer than socialization or cultural patterns.

## Trait Theory and Delinquency Prevention

Because many individual-oriented theorists are also practitioners and clinicians, it is not surprising that a great deal of delinquency prevention efforts are based in psychological and biosocial theory.

As a group, individual perspectives on delinquency suggest that prevention efforts should be directed at strengthening a youth's home life and personal relationships. Efforts should be made to identify at risk adolescents and offer treatment before they engage in antisocial behaviors rather than reacting to them after the fact. Delinquency prevention efforts should resemble the approach medical professionals take to avert public health problems. Rather than identifying and treating a problem after it occurs, they use their knowledge of risk factors to provide guidance to those at risk in order to avoid illness before it occurs. Treatments based on psychological and biological traits identify at-risk adolescents and then design plans to prevent future bouts of antisocial behaviors.<sup>342</sup>

Almost all of these theoretical efforts point to the child's home life as a key factor in delinquent behavior. If parents cannot supply proper nurturing, love, care, discipline, nutrition, and so on, the child cannot develop properly. Whether one believes that delinquency has a biosocial basis, a psychological basis, or a combination of both, it is evident that delinquency prevention efforts should be oriented to reach children early in their development.

It is therefore not surprising that county welfare agencies and privately funded treatment centers have offered counseling and other mental health services to families referred by schools, welfare agents, and juvenile court authorities. In some instances, intervention focuses on a particular family problem that has the potential for producing delinquent behavior, such as alcohol and drug problems, child abuse, or sexual abuse. In other situations, intervention is more generalized and oriented toward developing the self-image of parents and children or improving discipline in the family. One approach has been parenting programs that are aimed at treating neuropsychological or cognitive deficits along with a host of other risk factors, such as impulsivity. One technique is to teach mothers to avoid the hazards of smoking or ingesting narcotics during pregnancy, in an attempt to help reduce neuropsychological impairment of the infant.<sup>343</sup>

Some programs take place in a school setting. Enriched preschool programs are designed to provide economically disadvantaged children with stimuli that help them develop cognitively, as well as provide them with enriching experiences that their parents are unlikely to provide at home. The main goal here is to develop improved cognitive skills, enhance school readiness, and encourage social and emotional development.

Other programs are aimed at the prevention of serious mental illnesses or disorders. There is strong evidence that a variety of illnesses, ranging from psychosis to anxiety disorders, can be successfully treated before their effects have an overtly negative impact. This suggests that programs designed to reduce mental illness, such as a schizotypal personality, can work and help prevent crime. Considering the demonstrated link among cognitive deficits, brain functioning, and delinquency, it is perhaps not surprising that nutrition can help prevent antisocial behavior. Family / parenting programs focus on nutrition and healthy development, relying on evidence that nutritional supplements may have a large impact on behavior through cognitive functioning.

Another individual level delinquency prevention strategy recognizes the interaction between the person and the environment. Here the approach identifies risk factors for children or families and seeks to improve environmental conditions to facilitate healthy development of the child. Some programs focus on helping at-risk kids very early in life in order to foster healthy brain development. There is evidence that early prevention programs can improve cognitive functioning in a cumulative fashion. In cases where risk factors are heritable or genetic, programs can prevent crime through identifying environmental triggers that may increase antisocial behavior. In the future,



it is reasonable to assume, more programs or strategies concentrating on biological risk factors will emerge.

Research suggests that the earlier the intervention, the better. It is possible that treatment will begin during pregnancy to the first two years of life, as technology can now measure growth and maturation of cognitive functions during this period. Research has found that trauma during this period can be especially impactful, affecting brain development into adulthood. Thus, early intervention is of paramount importance in addressing the psychological and biological causes of delinquency.<sup>344</sup>

**Post Adjudication Treatment** In addition, individual approaches have been used to prevent court-adjudicated youths from engaging in further criminal activities. It has become almost universal practice for incarcerated and court-adjudicated youths to be given some form of mental and physical evaluation before they begin their term of correctional treatment. Such rehabilitation methods as psychological counseling and psychotropic medication (involving such drugs as Valium or Ritalin) are often prescribed. In some instances, rehabilitation programs are provided through drop-in centers that service youths who are able to remain in their homes, while more intensive programs require residential care and treatment. The creation of such programs illustrates how agents of the juvenile justice system believe that many delinquent youths and status offenders have psychological or physical problems and that their successful treatment can help reduce repeat criminal behavior. Faith in this treatment approach suggests widespread agreement among juvenile justice system professionals that the cause of delinquency can be traced to individual pathology; if not, why bother treating them?

Some questions remain about the effectiveness of individual treatment as a delinquency prevention technique. Little hard evidence exists that clinical treatment alone can prevent delinquency or rehabilitate known delinquents. It is possible that programs designed to help youths may actually stigmatize and label them, hindering their efforts to live conventional lives. Because this issue is so critical, it will be discussed further in Chapter 5.

## Summary

### **LO1** Distinguish between the two branches of individual-level theories of delinquency

- Some delinquency experts, referred to as choice theorists, believe that delinquency is a product of an individual decision-making process.
- Other experts believe that delinquency is the product of some individual trait, such as temperament, personality, or hormones.
- Choice theory suggests that young offenders choose to engage in antisocial activity because they believe their actions will be beneficial and profitable.
- Trait theory suggests that youthful misbehavior is driven by biological or psychological abnormalities, such as hyperactivity, low intelligence, biochemical imbalance, or genetic defects.

- Both theories focus on mental and behavioral processes at the individual level and on delinquency as an individual problem, not a social problem.

### **LO2** Explain the principles of choice theory

- Choice theory assumes that people have free will to choose their behavior.
- Those who violate the law are motivated by personal needs such as greed, revenge, survival, and hedonism.
- The classical view of crime and delinquency holds that the decision to violate the law is based on a careful weighing of the benefits and costs of criminal behaviors.

- Punishment should be only severe enough to deter a particular offense.
- Delinquents are rational decision makers who choose to violate the law.
- Choice theorists believe that law-violating behavior occurs when reasoning offenders decide to take the chance of violating the law after considering their personal situation, values, and situation.

### **LO3** Discuss the routine activities theory of delinquency

- Routine activities theory maintains that delinquency is a function of the activities of capable guardians, the availability of suitable targets, and the presence of motivated offenders (such as unemployed teenagers).
- The presence of capable guardians who can protect homes and possessions can reduce the motivation to commit delinquent acts.
- Routine activities theory suggests that the availability of suitable targets such as easily transportable commodities will increase delinquency rates.
- As the number and motivation of offenders increase, so too do delinquency rates.

### **LO4** Critique the principles of general deterrence theory

- The general deterrence concept holds that the choice to commit delinquent acts is structured by the threat of punishment.
- One of the guiding principles of deterrence theory is that the more severe, certain, and swift the punishment, the greater its deterrent effect will be.
- Deterrence strategies are based on the idea of a rational, calculating offender; they may not be effective when applied to immature young people.
- The deterrent threat of punishment may have little influence on the highest-risk group of young offenders—teens living in economically depressed neighborhoods.

### **LO5** Examine the concept of specific deterrence

- The concept of specific deterrence holds that if offenders are punished severely, the experience will convince them not to repeat their illegal acts.
- Some research studies show that arrest and conviction may under some circumstances lower the frequency of reoffending.
- Punishment, especially in an adult prison, can backfire by exposing younger offenders to higher-risk, more experienced inmates who can influence their lifestyle and help shape their attitudes.

### **LO6** Discuss the concept of situational crime prevention

- According to the concept of situational crime prevention, delinquency can be neutralized if (a) potential targets are carefully guarded, (b) the means to commit crime are controlled, and (c) potential offenders are carefully monitored.
- Situational crime prevention strategies aim to reduce the opportunities people have to commit particular crimes.
- Increasing the effort required to commit delinquency can involve target-hardening techniques, such as putting unbreakable glass on storefronts.
- Increasing the risks of delinquency might involve such measures as improving surveillance lighting, using closed-circuit TV monitoring, and creating neighborhood watch programs.
- Reducing the rewards of delinquency includes strategies such as marking property so it is more difficult to sell when stolen.

### **LO7** Trace the history and development of trait theory

- The first attempts to discover why criminal tendencies develop focused on the physical makeup of offenders.
- The origin of this school of thought is generally credited to the Italian physician Cesare Lombroso.
- Early views portrayed delinquent behavior as a function of a single biological factor or trait, such as body build or defective intelligence.

### **LO8** Evaluate the branches and substance of bio-social trait theory

- Trait theorists argue that no two people (with rare exceptions, such as identical twins) are alike, and therefore, each will react to environmental stimuli in a distinct way.
- One view is that body chemistry can govern behavior and personality, including levels of aggression and depression.
- One area of concern is that overexposure to particular environmental contaminants, including metals and minerals such as iron and manganese, may produce effects that put kids at risk for antisocial behavior.
- There is also evidence that diet may influence behavior through its impact on body chemistry.
- Hormonal levels are another area of biochemical research. Antisocial behavior allegedly peaks in the teenage years because hormonal activity is at its highest level during this period.

- Another focus of biosocial theory is the neurological (brain and nervous system) structure of offenders.
- Biosocial theorists also study the genetic makeup of delinquents. Studies of this kind have generally supported the hypothesis that there is a link between genetics and behavior.
- Cognitive theorists who study information processing try to explain antisocial behavior in terms of perception and analysis of data. When people make decisions, they engage in a sequence of cognitive thought processes. Delinquency-prone adolescents may have cognitive deficits and use information incorrectly when they make decisions.

#### **LO9** Compare the various psychological theories of delinquency

- According to psychodynamic theory, law violations are a product of an abnormal personality structure formed early in life and which thereafter controls human behavior choices. The basis of psychodynamic theory is the assumption that human behavior is controlled by unconscious mental processes developed early in childhood.
- Behavioral psychologists argue that a person's personality is learned throughout life during interaction with others. Behaviorists suggest that individuals learn by observing how people react to their behavior.

#### **LO10** Examine the psychological disorders that have been linked to delinquency

- Delinquents are hyperactive, impulsive individuals with short attention spans (attention deficit disorder), who frequently manifest conduct disorders, anxiety disorders, and depression.
- Antisocial youths exhibit a low level of guilt and anxiety and persistently violate the rights of others.
- Psychologists have long been concerned with the development of intelligence and its subsequent relationship to behavior. It has been charged that children with low IQs are responsible for a disproportionate share of delinquency.

## Key Terms

|                                    |   |   |
|------------------------------------|---|---|
| rational choice theory p. 72       | vulnerability model p. 88                             | alexithymia p. 105                            |
| trait theory p. 72                 | differential susceptibility model p. 88               | disruptive behavior disorder (DBD) p. 106     |
| free will p. 73                    | neurological p. 93                                    | behaviorism p. 108                            |
| classical criminology p. 73        | minimal brain dysfunction (MBD) p. 93                 | social learning theory p. 109                 |
| routine activities theory p. 76    | conduct disorder (CD) p. 93                           | cognitive theory p. 110                       |
| predatory crime p. 76              | learning disability (LD) p. 95                        | extraverts p. 114                             |
| crime discouragers p. 77           | attention deficit hyperactivity disorder (ADHD) p. 96 | neuroticism p. 114                            |
| general deterrence p. 78           | behavior therapy p. 97                                | callous-unemotional (CU) p. 114               |
| focused deterrence p. 80           | arousal theorists p. 98                               | antisocial personality disorder (ASPD) p. 114 |
| specific deterrence p. 81          | contagion effect p. 101                               | psychopaths p. 114                            |
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| positivists p. 87                  | attachment theory p. 104                              |   |
| criminal atavism p. 87             | mood disorders p. 105                                 |   |
| biosocial theory p. 88             |   |   |

## Questions for Discussion

1. Is there such a thing as the "born criminal"? Are some people programmed at birth to commit crimes?
2. Is crime psychologically abnormal? Can there be "normal" crimes?
3. How would psychodynamic theory explain such delinquent acts as shoplifting and breaking and entering a house?
4. Can delinquent behavior be deterred by the threat of punishment? If not, how can it be controlled?

5. Should we incarcerate violent juvenile offenders for long periods—10 years or more?
6. Does watching violent TV and films encourage youth to be aggressive and antisocial? Do advertisements for beer featuring attractive, provocatively

dressed young men and women encourage drinking and precocious sex? If not, why bother advertising?

7. Discuss the characteristics of antisocial youths. Do you know anyone who fits the description?

## Viewpoint

You are a state legislator who is a member of the subcommittee on juvenile justice. Your committee has been asked to redesign the state's juvenile code because of public outrage over serious juvenile crime including a widely publicized mass shooting incident at a local high school. People are demanding that something be done to identify potential shooters so they can be monitored and prevented from legally purchasing weapons.

At an open hearing, a professor from the local university testifies that she has devised a surefire test to predict violence-prone delinquents. The procedure involves brain scans, DNA testing, and blood analysis. Used with samples of incarcerated adolescents, her procedure has been able to distinguish with 70% accuracy between youths with a history of violence and those who are exclusively property offenders. The professor testifies that if each juvenile offender were tested using her techniques, the violence-prone career offender could easily be identified and given special treatment and prevented from purchasing a gun.

Opponents argue that this type of testing is unconstitutional because it violates the Fifth Amendment protection against self-incrimination and can unjustly label

nonviolent offenders. Any attempt to base policy on biosocial makeup seems inherently wrong and unfair. In addition, it would be a violation of the Second Amendment right to bear arms if a person could be prevented from purchasing a gun merely because they fit a profile and not because they have actually done anything illegal.

Those who favor the professor's approach maintain that it is also not uncommon to single out the insane or mentally incompetent for special treatment and that these conditions often have a biological basis. It is better that a few delinquents be unfairly labeled than seriously violent offenders be ignored until it is too late.

- Is it possible that some kids are born to be delinquents? Or do kids "choose" crime?
- Is it fair to test kids to see if they have biological traits related to crime, even if they have never committed a single offense?
- Should special laws be created to deal with the potentially dangerous offender?
- Should offenders be typed on the basis of their biological characteristics or even their diet?

## Doing Research on the Web

Before you address this issue, you may want to research the literature on predicting delinquent behavior. Start with this article on Adrian Raine:

<https://penncurrent.upenn.edu/2011-03-24/research/can-science-predict-criminal-behavior>

This one covers the use of brain scans:

<http://www.crimetraveller.org/2016/03/brain-scans-criminal-behavior/>

Check this article out if you want to go in another direction and think diet controls behavior:

<https://www.psychologytoday.com/us/blog/evolutionary-psychiatry/201105/diet-and-violence>

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# 4

# Structure, Process, Culture, and Delinquency

## Learning Objectives

- 1 Explain the association between social factors and delinquency
- 2 Summarize the association between social structure and delinquency
- 3 Categorize the principles of social disorganization theory
- 4 Express how social ecologists view the cause of delinquency
- 5 Analyze the concept of anomie and how it impacts delinquent behavior
- 6 Articulate the core concepts of General Strain Theory
- 7 Define the term *cultural deviance* and analyze theories of cultural deviance
- 8 Describe the concept of social process and socialization
- 9 Paraphrase what the concept of social learning and social learning theories address
- 10 Give examples of the elements of social control theory

## Chapter Outline

### Social Factors and Delinquency

### Social Structure and Delinquency

- Child Poverty
- Poverty and Children of Color

### Social Structure Theories

### Social Disorganization Theory

- Social Ecology Theory
- The Theory of Collective Efficacy

### Strain Theory

- Merton's Theory of Anomie
- Institutional Anomie Theory (IAT)
- General Strain Theory

### Cultural Deviance Theories

- Focal Concern Theory

- Theory of Delinquent Subculture
- Theory of Differential Opportunity

### Social Process Theories

- Elements of Socialization
- The Effects of Socialization on Delinquency

### Social Learning Theory

- Differential Association Theory
- Neutralization Theory

### Social Control Theory

- Self-Concept and Delinquency
- Hirschi's Social Bond Theory

### Social Theory and Delinquency Prevention

- The New Frontier Programs
- Daycare Programs

## Chapter Features

**Focus on Delinquency:** Racialized General Strain Theory (RGST)

**Focus on Delinquency:** The Code of the Streets

**Treating Delinquency:** Families and Schools Together (FAST)



**Steph is a 14-year-old** European American female with no history of delinquent activity. She resides with both parents and three siblings in a middle-class neighborhood. Her family recently has been impacted by the economic downturn the coronavirus, caused. Her parents owned the local coffee shop that had to close during the pandemic, and the subsequent loss of income forced the family to move out of their home after foreclosure.

During this turmoil, Steph was referred to the local county human services program when school authorities found that she was buying and selling prescription drugs on campus, most often Adderall. Steph admitted to the school service staff that she had stolen the pills from a sibling diagnosed with attention deficit hyperactivity disorder and was selling them for \$20 per pill. Steph reported that her friends and other students at school wanted the drug because they believed it helped them lose weight, focus better, enhance their libido, and increase their confidence. When interviewed at school, she readily admitted that she had been using Adderall and other prescription drugs she found in her home. On occasion, she would even pilfer her grandfather's heart medication. She mentioned that her reckless behavior might be a function of being a victim of sexual abuse as a child, though that has not been verified. Interviews with classmates indicated that Steph is sexually active and sometimes sexually inappropriate with peers.

Her admissions forced county officials to petition Steph to juvenile court as a delinquent. However, the state's attorney struck a deal which, in return for substituting the status offense for delinquency charges, would establish Steph as an outpatient with the Department of Social and Human Services, who would assess her treatment needs and create a plan for her to follow. The department would suspend further legal action based on the successful completion of the treatment protocol; she would also be reinstated to school the following semester.

Upon assessment, DSHS social workers revealed that Steph had very little knowledge of the dangerous side effects of Adderall and other prescription drugs. She reasoned that they could not be very harmful if they were legal. The evaluation recommended that Steph attend a



mandatory drug abuse education program and abstain from further use of banned substances. She was also required to participate in a group treatment program that focused on creating personal boundaries and control. This Impulse Control Group helped her identify the triggers that caused her to engage in self-destructive behaviors and develop the skills to re-direct her emotions in a healthy and purposeful way.

The social worker had Steph visit an emergency room and talk with medical staff regarding their experiences with patients abusing prescription drugs. Overall, this experience had a significant impact on Steph. She connected with a nurse and doctor team who discussed their firsthand examples of young people abusing prescription drugs. Many patients had little or no knowledge of what was in their systems and suffered significant medical complications and consequences. Steph also had an opportunity to share her story with the medical team and get direct information about the potential dangers of her use and the risks to others due to her behavior. A year later, now finishing her high school degree with dreams of attending the local college with a social work program, Steph continues with aftercare services.

Considering Steph's story, would you conclude that social issues and not individual-level factors are the actual cause of delinquent behavior? Would Steph have turned to acting out if her social world hadn't started to crumble? Given this set of facts, was the money spent on her rehabilitation a good investment?

Why are social views of delinquency so popular? One reason is the consistent social patterns found in the delinquency rate. We know that youths are more likely to turn to delinquency if they live in the poorest neighborhoods within large urban areas. It seems unlikely that most kids with physical or mental problems live in a particular section of town that is also disorganized and deteriorated. Or that teens in one neighborhood watch violent TV shows and films while those in another spend their time on the History Channel. The high delinquency rates in the poorest neighborhoods seem more than just a coincidence.

Other teens who get in trouble with the law come from intact homes and live in stable neighborhoods. However, like Steph, their problems can be linked to friends and family members who teach them deviant attitudes and values, such as selling and taking illegal drugs. Others have been improperly socialized. They cannot control their impulses which places them at risk for behavior that gets them in trouble at school and with the law.

To some delinquency experts, these facts can only mean one thing: the cause of delinquency rests within the dynamics of the social world. They point to cultural norms, social processes, and social institutions as the key elements that shape human behavior. When these elements are strained, delinquency rates increase.<sup>1</sup>

## LO1

Explain the association between social factors and delinquency

## Social Factors and Delinquency

What are the critical social factors believed to cause or affect delinquent behaviors?

- *Interpersonal interactions.* Social relationships with families, peers, schools, jobs, criminal justice agencies, and the like may play an important role in shaping behavioral choices.<sup>2</sup> Inappropriate and disrupted social relations have been linked to crime and delinquency.<sup>3</sup>
- *Community conditions.* Crime and delinquency rates are highest in deteriorated inner-city areas. These communities, wracked by poverty, decay, fear, and despair, also maintain high rates of criminal victimization.<sup>4</sup>
- *Exposure to violence.* Kids living in poor neighborhoods are exposed to a constant stream of antisocial behaviors.<sup>5</sup> Even when neighborhood disadvantage and poverty are considered, the more often children are exposed to violence within their residential community, the more likely they are to become violent themselves.<sup>6</sup> One Chicago area study of racial differences in exposure to violence found that the odds of being subjected to violence were 74% and 112% higher for Hispanic and Black kids, respectively, than for White adolescents.<sup>7</sup> Exposure to violence may help explain racial and ethnic differences in the delinquency rate.
- *Social change.* Political and social unrest and mistrust, economic stress, and family disintegration are social changes that have been found to precede sharp increases in delinquency rates.<sup>8</sup>
- *Low socioeconomic status.* Millions of people have scant, if any, resources and suffer socially and economically.<sup>9</sup> Kids who live in poverty may have the most significant incentive to commit delinquency.
- *Racial disparity.* The consequences of racial disparity can be significant, especially when it translates into income inequality. The poverty rate among minority groups is still significantly higher than that of Whites.<sup>10</sup>

All of these social problems and conditions take a toll on American youth and may help turn them toward antisocial behaviors. This chapter will review the most prominent social theories of delinquency based on the effects of social problems and social relations. They are divided here into two distinct groups:

- *Social structure theories* hold that delinquency reflects a person's place in the economic structure.
- *Social process theories* view delinquency as the result of a person's interaction with critical elements of socialization.

## LO2

Summarize the association between social structure and delinquency

## Social Structure and Delinquency

People in the United States live in a **stratified society**. Social strata are created by unequal wealth, power, and prestige distribution. Social classes are segments of the population whose members share a relatively similar portion of desirable things and share attitudes, values, norms, and an identifiable lifestyle. In U.S. society, it is common to identify people as upper-, middle-, and lower-class citizens, with a broad range of economic variations existing within each group. The top 1% of households have an annual income of about \$500,000 and more than \$4 million in liquid assets; reaching the top 0.1% now requires a yearly income of more than \$2 million. There are about 2,700 billionaires worldwide, including about 700 in the United States; these "super rich" are worth more than \$11 trillion.<sup>11</sup>

In contrast, more than 30 million Americans still live below the poverty line, defined as a family of four earning about \$26,000 per year.<sup>12</sup> Though the number of people living in poverty had been declining, the COVID pandemic disrupted the economy, spurred economic inflation, and placed enormous pressure on the poor. Consequently, those living below the poverty line are forced to reside in inadequate housing, have poor health care, and suffer from disrupted family lives, underemployment, and despair. They are more prone to depression, less likely to have achievement motivation, and are unable to put off immediate gratification for future gain.

Members of the lower class also suffer in other ways. They are more prone to depression, less likely to have achievement motivation, and less likely to put off immediate gratification for future gain. They may be less willing to stay in school because the rewards for educational achievement are in the distant future.

Sociologist Oscar Lewis coined the phrase **culture of poverty** to describe this condition.<sup>13</sup> Apathy, cynicism, helplessness, and mistrust of social institutions such as schools, government agencies, and the police mark the culture of poverty. This mistrust prevents members of the lower class from taking advantage of the meager opportunities available to them. Lewis's work was the first of a group that described the plight of at-risk children and adults.

Economic disparity will continually haunt members of the **underclass** and their children throughout their life spans. Even if they value education and other middle-class norms, their desperate life circumstances (e.g., high unemployment and nontraditional family structures) may prevent them from developing the skills, habits, and lifestyles that lead first to educational success and later to success in the workplace.<sup>14</sup> Their ability to maintain social ties in the neighborhood becomes weak and attenuated, further weakening a neighborhood's cohesiveness and ability to regulate its citizens' behavior.<sup>15</sup>

### stratified society

Grouping society into classes based on the unequal distribution of scarce resources.

### culture of poverty

View that lower-class people form a separate culture with their own values and norms, which are sometimes in conflict with conventional society.

### underclass

Group of urban poor whose members have little chance of upward mobility or improvement.

## Child Poverty

As you may recall (chapter 1), economic disadvantage and poverty can be especially devastating to younger children. That is why nearly one in six adolescents under age 18 live in poverty (almost 12 million children) is so important.<sup>16</sup>

Many American youths live in families that cannot adequately care for their needs. Some have two working parents, but low wages and unstable employment leave their families struggling to make ends meet.<sup>17</sup> Being a child in a low-income or poor family does not happen by chance. It is a function of parental education and employment, race/ethnicity, and other factors associated with economic insecurity and unfair but persistent hiring and promotion policies.<sup>18</sup>

Economic disadvantage and poverty can be especially devastating to younger children.<sup>19</sup> Children who grow up in low-income homes are less likely to achieve in school and complete their schooling than children with more affluent parents. Poor kids are also more likely to suffer health problems and receive inadequate health care. Children who lack material goods, including food, clothing, and shelter, may begin externalizing behavior at a very early age. Before age 10, they show signs of aggression, such as getting into fights and bullying other children; they are hyperactive and impulsive; they already show signs of future delinquency.<sup>20</sup>

When they reach adulthood, they are more likely to be unemployed, experience economic hardship, and be involved in the criminal justice system.<sup>21</sup>

In addition to the burdens of poverty, the number of homeless children in the United States has surged to an all-time high in recent years, amounting to one child in every 30; nearly 1.5 million American children enrolled in school were homeless at some point in the past year.<sup>22</sup>

## Poverty and Children of Color

The burdens of underclass life are often felt most acutely by members of underrepresented groups. The median family income of Latinx and African Americans is two-thirds that of European Americans, and the percentage of underrepresented racial and ethnic groups living in poverty is double that of European Americans. The African American median household income is about \$40,000, compared to \$68,000 for non-Hispanic White households and more than \$80,000 for Asian homes. About 28% of African Americans live at the poverty level, compared to 11% of non-Hispanic Whites. The unemployment rate for Blacks is twice that for non-Hispanic Whites, a finding consistent for both men and women.

There are also race-based differences in education. White and Asian high school completion rates are higher than those of Blacks and Latinos.<sup>23</sup> One reason for this outcome relates to the race-based differences in child poverty:

- Child poverty is related to both age and race/ethnicity. The youngest children are the poorest, and nearly 73% of poor children in America are children of color.
- Nearly 1 in 3 Black (30%) and Native American/Alaska Native children (29%) and 1 in 4 Hispanic children (24%) are poor compared with 1 in 11 White children (9%).
- More than 25% of Black children were poor in 35 states and the District of Columbia; Hispanic children, in 29 states; and Native American/Alaska Native children, in 20 states.
- Only two states had White child poverty rates of 20% or higher.<sup>24</sup>

These economic and social disparities have haunted people of color and their children despite efforts to erase race-based inequality. Though most people of color value education and other middle-class norms, their desperate life circumstances prevent them from developing the skills and habits that lead first to educational success and later to workplace success.<sup>25</sup>

Race-based social and economic disparity can take a tremendous toll. Whereas many urban European Americans use their economic, social, and political advantages to live in sheltered, gated communities patrolled by security guards and police, fewer people of color do not have access to similar protections and opportunities.<sup>26</sup> In contrast, a significant proportion of people of color are relegated to living in segregated, low-income areas, where they are hit hard by race-based disparity such as income inequality and institutional racism.<sup>27</sup> Fewer than 10% of White neighborhoods are impoverished, but 75% of Black, Latino, and other communities of color can be considered impoverished.<sup>28</sup>



There is also the perception in communities of color that the justice system is biased and racist. People of color often believe that the police are overzealous in their duties, stopping children of color for no reason, searching them, and arresting them without probable cause. And if they commit crime, Black youths are more likely to be officially processed to the juvenile court than White youths, helping them develop an official record at an early age, which may increase their chances of incarceration as adults.<sup>29</sup> Not surprisingly, the Black imprisonment rate is more than five times higher than the rate for Whites. In some neighborhoods, a significant portion—up to half—of all Black males are under criminal justice system control.<sup>30</sup>

These social factors have been explored in depth by Harvard sociologist William Julius Wilson, who coined the term “the truly disadvantaged” to describe the plight of poor inner-city minority families.<sup>31</sup> Today, Wilson notes, the ability of Black men to be family providers has declined, increasing stress for the African American family.<sup>32</sup>

## Social Structure Theories

The effects of income inequality, poverty, racism, and despair are viewed by many delinquency experts as key causes of youth crime and drug abuse. Kids growing up poor and living in households that lack economic resources are much more likely to get involved in serious crime than their wealthier peers.<sup>33</sup> **Social structure theories** explain this phenomenon by suggesting that the social forces present in deteriorated lower-class areas are the key determinant of delinquent behavior patterns. Social forces begin to affect people while they are relatively young and continue to influence them throughout their lives. Though not all youthful offenders become adult criminals, many who reside in poverty-stricken lower-class areas become **enculturated** into the values of inner-city neighborhoods and are most likely to persist in delinquency. Logically, because delinquency rates are consistently higher in lower-class urban centers than in middle-class suburbs, social forces must be operating in blighted urban areas that influence or control behavior.<sup>34</sup>

How can this association between poverty and delinquency be precisely explained? What are the connections that lead from being poor to becoming a delinquent? Three independent yet overlapping theories reside within the social structure perspective—**social disorganization theory**, **strain theory**, and **cultural deviance theory**.

- *Social disorganization theory* focuses on the conditions within the urban environment that affect delinquency rates. A disorganized area is one in which institutions of social control—such as the family, commercial establishments, and schools—have broken down and can no longer carry out their expected or stated functions. Indicators of social disorganization include high unemployment, school dropout rates, deteriorated housing, low-income levels, and large numbers of single-parent households. Residents in these areas experience conflict and despair, and as a result, antisocial behavior flourishes. Kids living in these “risky places” are the ones most likely to join gangs and continue to commit violent crimes as they travel through the life course.<sup>35</sup>
- *Strain theory* holds that delinquency is a function of the disconnect between people’s goals and the means they can use to obtain them legally. Most people in the United States desire wealth, material possessions, power, prestige, and other life comforts. And although these social and economic goals are common to people in all economic strata, strain theorists insist that the ability to obtain these goals is class dependent. Members of the lower class cannot achieve these symbols of success through conventional means. Consequently, they feel anger, frustration, and resentment, or “strain.” Lower-class citizens can either accept their condition and live out their days as socially responsible, if unrewarded, citizens, or they can choose an alternative means of achieving success, such as theft, violence, or drug trafficking.

### social structure theories

Explain delinquency using socioeconomic conditions and cultural values.

### enculturated

The process by which an established culture teaches an individual its norms and values so that the individual can become an accepted member of society. Through enculturation, the individual learns what is accepted behavior within that society and their particular status within the culture.

### social disorganization theory

The inability of a community to exert social control allows youths the freedom to engage in illegal behavior.

### strain theory

Links delinquency to the strain of being locked out of the economic mainstream, which creates the anger and frustration that lead to delinquent acts.

### cultural deviance theory

A unique lower-class culture develops in disorganized neighborhoods whose set of values and beliefs puts residents in conflict with conventional social norms.

### cultural transmission

Cultural norms and values are passed down from one generation to the next.

### LO3

Categorize the principles of social disorganization theory

### social control

Ability of social institutions to influence human behavior; the justice system is the primary agency of formal social control.

### transitional neighborhood

Area undergoing a shift in population and structure, usually from middle-class residential to lower-class mixed use.

- *Cultural deviance theory*, the third variation of structural theory, combines strain and social disorganization elements. According to this view, a unique lower-class culture develops in disorganized neighborhoods because of strain and social isolation. These independent subcultures maintain unique values and beliefs that conflict with conventional social norms. Criminal behavior is an expression of conformity to lower-class subcultural values and traditions and not a rebellion from conventional society. Subcultural values are handed down from one generation to the next through **cultural transmission**.

Although each of these theories is distinct in crucial aspects, each approach has at its core the view that socially isolated people living in disorganized neighborhoods are most likely to experience delinquency-producing social forces. Each branch of social structure theory will now be discussed in some detail.

## Social Disorganization Theory

Social disorganization theory ties delinquency rates to socioeconomic conditions:

- Long-term, unremitting poverty undermines the basic stabilizing forces of the community—family, school, peers, and neighbors—rendering them weakened, attenuated, and ineffective.
- Poverty undermines the ability of the community to control its inhabitants—to assert informal **social control**—is damaged and frayed.
- The community becomes “socially disorganized,” and its residents surrender to the lure of antisocial behavior. Without social controls, kids are free to join gangs, violate the law, and engage in uncivil and destructive behaviors.
- Residents develop a sense of hopelessness and mistrust of conventional society. They are frustrated by their inability to become part of the American Dream. Neighborhood kids constantly encounter disruption, violence, and incivility.
- Kids growing up in these disadvantaged areas are at risk for recruitment into gangs and law-violating youth groups.
- Neighborhood disintegration and the corresponding erosion of social control are the primary causes of delinquent behavior. Community values, norms, and cohesiveness control behavior choices, not personal decision making and individual traits.

Social disorganization theory was first formulated early in the twentieth century by sociologists Clifford Shaw and Henry McKay. These Chicago-based scholars found that delinquency rates were high in what they called **transitional neighborhoods**—areas that had changed from affluence to decay. Here, factories and commercial establishments were interspersed with private residences. In such environments, teenage gangs developed as a means of survival, defense, and friendship. Gang leaders recruited younger members, passing on delinquent traditions and ensuring the gang’s survival from one generation to the next (cultural transmission).

While mapping delinquency rates in Chicago, Shaw and McKay noted that distinct ecological areas had developed that could be visualized as a series of concentric zones, each with a stable delinquency rate (see Figure 4.1).<sup>36</sup>

The areas of heaviest delinquency concentration appeared to be the poverty-stricken, transitional, inner-city zones, with the zones farthest from the city’s center the least prone to delinquency. Analysis of these data indicated a stable pattern of delinquent activity in the ecological zones over 65 years.<sup>37</sup> These patterns persisted as different ethnic or racial groups moved into the zone. Shaw and McKay found

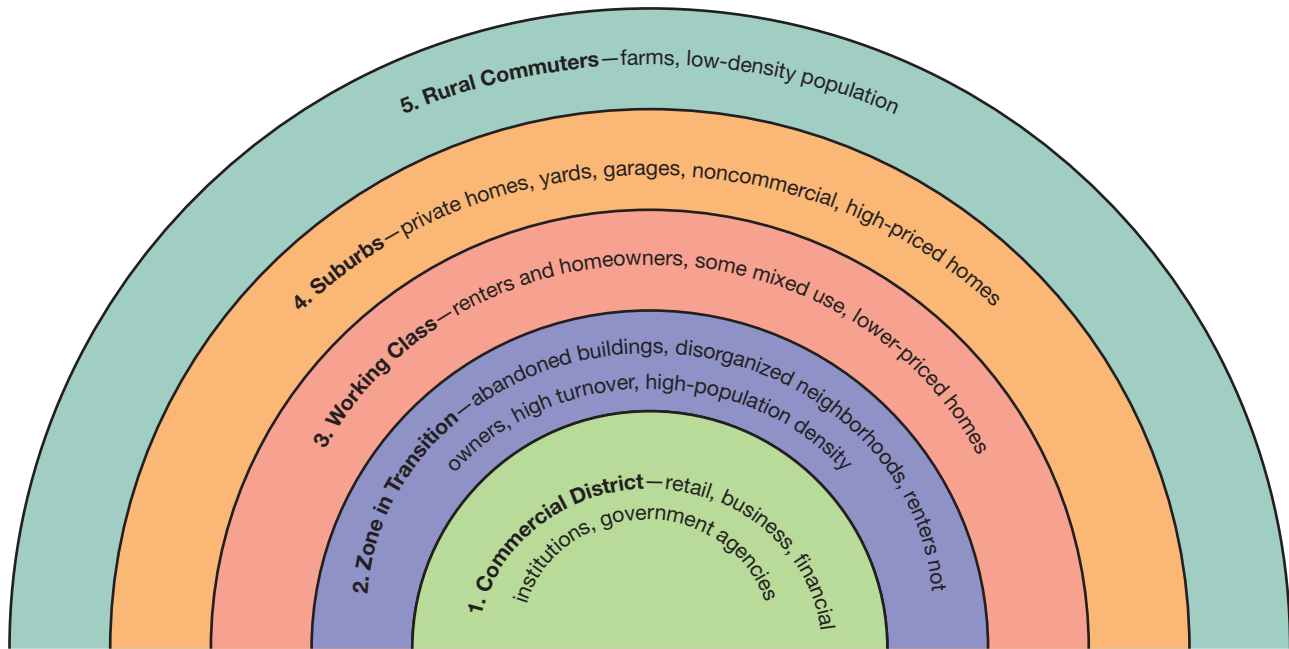


Figure 4.1

### The Concentric Zone Model

SOURCE: <http://www.umsl.edu/~keelr/200/socdisor.html> (accessed July 2013).

that delinquency reflected neighborhood characteristics rather than the personal characteristics or culture of the residents.

According to their social disorganization view, a healthy, organized community can regulate itself so it can achieve common goals.<sup>38</sup> Those disorganized neighborhoods lack social control because they are wracked by deterioration and economic failure.<sup>39</sup> Shaw and McKay claimed that areas continually hurt by poverty and long-term unemployment also experience social disorganization.<sup>40</sup> Kids living in these conditions are more likely to join teen gangs and seek out delinquent peers who encourage and support antisocial behaviors. Growing up in a disorganized neighborhood does not guarantee a delinquent way of life. Kids who avoid associating with delinquent peers stand a better chance of resisting the “temptations of the street.”<sup>41</sup>

Social disorganization concepts articulated by Shaw and McKay have remained a prominent fixture of criminological scholarship and thinking for more than 75 years. Although cultural and social conditions have changed and American society today is much more heterogeneous and mobile than during Shaw and McKay’s time, the most important elements of their findings still hold up.<sup>42</sup>

The concept of social disorganization contributes to our understanding of the causes of delinquent behavior. Because they introduced new variables such as social control and the city’s ecology to the study of delinquency, Shaw and McKay’s pioneering efforts have had a lasting influence on our understanding of human behaviors.

**LO4** Express how social ecologists view the cause of delinquency

## Social Ecology Theory

Contemporary **social ecologists** have updated Shaw and McKay’s social disorganization views. These views emphasize the association of community deterioration and economic decline with delinquency. Still, they place less emphasis on values and norms and more on community characteristics and their influence on interpersonal relations. According to this more contemporary view, living in deteriorated, crime-ridden neighborhoods exerts a powerful influence over behavior that is strong enough to neutralize the positive effects of a supportive family and close social ties.<sup>43</sup>

Social ecologists have found an association between delinquency rates and community deterioration: disorder, poverty, alienation, disassociation, and fear.<sup>44</sup> The

### social ecologists

Theorists focus on the influence social institutions have on individual behavior and suggest that law-violating behavior is a response to social rather than individual forces operating in an urban environment.

presence of disruptive institutions, such as taverns and bars, destabilize neighborhoods and increase the rate of violent crimes.<sup>45</sup>

Areas in which houses are in poor repair, boarded up and burned out, and whose owners are best described as “slumlords” are also the location of the highest violence rates and gun crime.<sup>46</sup> These are neighborhoods where retail establishments often go bankrupt, are abandoned, and deteriorate physically.<sup>47</sup>

Neighborhood decay serves as a magnet for delinquents and delinquency.<sup>48</sup> The most impulsive kids who lack both social and self-control are free to engage in anti-social activities without fear of restraint or disapproval.<sup>49</sup> When community social control efforts are blunted, delinquency rates increase, further weakening neighborhood cohesiveness.<sup>50</sup>

**Poverty Concentration** Inner-city poverty becomes concentrated when working- and middle-class families, both Black and White, flee to the suburbs.<sup>51</sup> As the working and middle classes relocate, they take their financial and institutional resources and support, undermining the community’s level of informal social control.<sup>52</sup> People left behind are socially isolated and struggle to manage urban decay and control youth gangs. After all, the most successful people in the community have left for greener pastures.<sup>53</sup> Young men growing up in such a neighborhood are the most likely to engage in risk-taking and delinquency, especially those who perceive few opportunities for legitimate success.<sup>54</sup>

Social problems accumulate in areas that experience poverty concentration. Businesses are disinclined to locate in these concentrated poverty areas; banks become reluctant to lend money for new housing or businesses.<sup>55</sup> Unemployment rates skyrocket, destabilizing households and producing unstable families who produce children who use violence and aggression to deal with limited opportunity. Because gang violence becomes normative, impressionable youth are led to adopt criminal lifestyles.<sup>56</sup>

Poverty concentration can become quite damaging as large groups or cohorts of people of the same age are forced to compete for relatively scant resources.<sup>57</sup> The result is income and wealth disparities, nonexistent employment opportunities, inferior housing patterns, and unequal access to health care.<sup>58</sup> Limited employment opportunities reduce the stabilizing influence of parents and other adults, who may once have counteracted the allure of youth gangs. Urban areas marked by concentrated poverty become isolated, insulated from the social mainstream, and more prone to gang activity, violence, and homicide.<sup>59</sup>

**Community Fear** People feel safe in orderly neighborhoods that are in repair.<sup>60</sup> When people feel distant from one another and disconnected from others in the community, they are more likely to view their environment as dangerous.<sup>61</sup> Those living in neighborhoods that suffer social and physical incivilities—rowdy youth, trash and litter, graffiti, abandoned storefronts, burned-out buildings, strangers, drunks, vagabonds, loiterers, prostitutes, noise, congestion, angry words, dirt, and stench—are much more likely to be fearful. Put another way, disorder breeds fear.<sup>62</sup>

Fear is based on experience.<sup>63</sup> Gangs flourish in deteriorated neighborhoods with high poverty levels, lack of investment, high unemployment rates, and population turnover.<sup>64</sup> Gangs have become a fixture of the American urban experience. The most recent national survey finds that gangs exist in all levels of the social strata, from rural counties to metropolitan areas. There are now an estimated 30,000 gangs and about 850,000 gang members located in 3,300 cities and towns throughout America. Gang homicides seem to be on an upswing; almost 2,000 gang-related killings occur each year.<sup>65</sup>

To delinquency experts, it comes as no surprise that most large gangs develop in poor, deteriorated urban neighborhoods. Many kids in these areas grow up hopeless and alienated, believing they have little chance of being part of the American Dream.<sup>66</sup> Joining a gang holds the promise of economic rewards and status enhancements, which the conventional world simply cannot provide.



Kids join gangs for numerous reasons, but many are motivated by a dysfunctional life, inadequate education, and peer pressure, all factors tied to socialization: family, peers, school, and community. When these forces are frayed and damaged, so too is the path a teen travels into adulthood. In essence, understanding delinquent behavior requires us to account for the destructive influence that social forces have on human behavior rather than individual characteristics and traits.

Unlike any other crime, however, gang activity is frequently undertaken out in the open, in public ways, and in full view of the community.<sup>67</sup> People become afraid when neighborhood kids approach them to sell drugs or when they see gang members hanging out in community parks and playgrounds, undisturbed by the police.<sup>68</sup> They may fear their children will also be approached and seduced by gang boys into the drug life.<sup>69</sup> Brazen criminal activity undermines community solidarity because it signals that the police must be either corrupt or inept. The fact that gangs are willing to engage openly in drug sales and other types of criminal activity shows their confidence that they have silenced or intimidated law-abiding people in their midst. The police and the community alike become hopeless about their ability to restore community stability, producing greater levels of community fear.

Fear can become contagious. People tell others when they have been victimized, spreading the word that the neighborhood is getting dangerous and that the chances of future victimization are high.<sup>70</sup> They dread leaving their homes at night and withdraw from community life. When people live in areas where the death rates are high, and life expectancies are short, they may alter their behavior out of fear. They may feel, “Why plan for the future when there is a significant likelihood that I may never see it?” In such areas, young boys and girls may psychologically adjust by taking risks and discounting the future. Teenage birth rates soar, and so do violence rates.<sup>71</sup> For these children, the inevitability of death skews their perspective of how they live.

**Siege Mentality** The presence of community incivilities, especially when accompanied by relatively high delinquency rates and gang activity, convinces older residents that their neighborhood is dangerous; becoming a crime victim seems inevitable.<sup>72</sup> Eventually, they become emotionally numb and indifferent to the suffering of others.<sup>73</sup> Some residents become so suspicious of authority that they develop a **siege mentality** in which they consider the outside world the enemy, out to destroy the neighborhood. There is a common belief that police are violent and suspicious, ready to use force on residents. Considering this feeling of mistrust, when police ignore delinquency in poor areas or, conversely, when they are violent and corrupt, anger flares, and people take to the streets and react in violent ways.<sup>74</sup>

#### **siege mentality**

Residents become so suspicious of authority that they consider the outside world to be the enemy out to destroy the neighborhood.

**Community Change** In our postmodern society, urban areas undergo rapid structural changes in racial and economic composition. Some may become multiracial, while others become racially homogeneous. Some areas become stable and family oriented, while in others, mobile, never-married people predominate.<sup>75</sup> While unstable neighborhoods experience higher delinquency rates, stable neighborhoods have the strength to restrict substance abuse and gang activity.<sup>76</sup>

Residents flee to safer, more stable localities if a neighborhood becomes disorganized. The affluent can leave communities in decline, and their place is taken by less fortunate families who suffer the pains associated with living with concentrated poverty.<sup>77</sup>

During times of neighborhood change and instability, some families can flee and move to suburban neighborhoods.<sup>78</sup> Those who cannot leave because they cannot live in more affluent communities face an increased risk of victimization. Some, of course, adapt to neighborhood change. They may create new friendship networks, which help create more stability in their lives.<sup>79</sup>

But low-income families get “left behind.” Those who can move to more affluent neighborhoods do so, and soon, they find that their lifestyles and life chances improve immediately and continue to do so over their life span.<sup>80</sup> Take, for instance, the Gautreaux Project; this court-ordered initiative began more than 30 years ago to

provide a metropolitan-wide remedy for racial discrimination in Chicago's public housing program by helping inner-city families relocate to more affluent suburbs. Research on the effects of the Gautreaux Project shows that most families who moved to Chicago's suburbs were still living in those suburbs 10 and even 20 years later and that their children's attitudes toward school improved along with their grades. As Gautreaux's children grew up and left home, they moved to neighborhoods far safer and more affluent than the inner-city neighborhoods their families had left behind.<sup>81</sup> When sociologists Patrick Sharkey and Robert Sampson examined data on the Gautreaux Project, they found it had benefits beyond moving families out of crime-prone areas. Families who moved to other neighborhoods within the city of Chicago experienced an increased risk of violence. In contrast, those families who went to areas outside the city experienced reduced exposure to violence and violent offending. Moving outside the city not only brought these families into contact with better schools and higher-income neighbors but also reduced their levels of fear and increased perceptions of control over their new environment.<sup>82</sup>

## The Theory of Collective Efficacy

According to the theory of collective efficacy, community efforts at social control are weak and attenuated in socially disorganized neighborhoods, where the population is transient, and interpersonal relationships remain superficial and non-supportive.<sup>83</sup> In these unstable neighborhoods, residents find that the social support they need to live a conventional life is absent or lacking. The resulting lack of social cohesion produces an atmosphere where antisocial behavior becomes normative.<sup>84</sup>

In contrast, more cohesive communities, where residents have a stake in the community and know and trust one another, have much lower delinquency rates than less unified areas.<sup>85</sup> These cohesive communities, in which people develop strong interpersonal ties, develop what is known as **collective efficacy**: mutual trust, a willingness to intervene in the supervision of children, and the maintenance of public order.<sup>86</sup> Residents in these areas enjoy a better life because the fruits of cohesiveness are better neighborhood-level education, health care, and housing opportunities.<sup>87</sup>

**Forms of Collective Efficacy** There are actually three forms of collective efficacy: informal, institutional, and public social control. Informal social control provided by these community-level institutions is a key determinant of neighborhood delinquency rates.<sup>88</sup>

- *Informal social control.* Some elements of collective efficacy operate on the primary or private level and involve peers, families, and relatives. These sources exert informal control by either awarding or withholding approval, respect, and admiration. Informal control mechanisms include direct criticism, ridicule, ostracism, desertion, or physical punishment.<sup>89</sup>

The most important wielder of informal social control is the family, which may keep at-risk kids in check through such mechanisms as corporal punishment, withholding privileges, or ridiculing lazy or disrespectful behavior. The family's ability to apply informal social control takes on greater importance in neighborhoods with few social ties among adults and limited collective efficacy. In these areas, parents cannot call upon neighborhood resources to take up the burden of controlling children and face the burden of providing adequate supervision.<sup>90</sup> The family's importance to applying informal social control takes on greater significance in neighborhoods with few social ties among adults and limited collective efficacy. In these areas, parents cannot call upon neighborhood resources to take up the burden of controlling children and face the challenge of providing adequate supervision.<sup>91</sup> However, in areas with low levels of collective efficacy, many parents cannot cope with the strain of living in a deteriorated neighborhood. Consequently, informal control may be physical and violent, which can have

### collective efficacy

The ability of communities to regulate the behavior of their residents through the influence of community institutions, such as the family and school. Residents in these communities share mutual trust and a willingness to intervene in the supervision of children and the maintenance of public order.

long-term negative consequences.<sup>92</sup> Others engage in domestic violence and/or substance abuse.<sup>93</sup>

The family is not the only force of informal social control. In some neighborhoods, people are committed to preserving their immediate environment by confronting destabilizing forces such as teen gangs.<sup>94</sup> By helping neighbors become more resilient and self-confident, adults in these areas provide the external support systems that enable youth to desist from delinquency.<sup>95</sup> Residents teach one another that they have moral and social obligations to their fellow citizens; children learn to be sensitive to the rights of others and to respect differences.

- *Institutional social control.* Community organizations such as the justice system, church, schools, and community centers provide institutional social control. When these institutions are ineffective, children are at risk for recruitment into gangs and law-violating groups. For example, an effective police presence communicates that the area will not tolerate delinquent behavior. Because they can respond vigorously to delinquency, the police prevent delinquent gangs from gaining a toehold in the neighborhood.<sup>96</sup>

In contrast, delinquency rates are highest in areas where police are mistrusted or disliked.<sup>97</sup> Police can also help organize citizens in high-crime neighborhoods and help them to become interested in what they can do about neighborhood crime and delinquency. Residents may join groups and attend meetings designed to reduce gang crime or drug use, thereby increasing community social control efforts.<sup>98</sup>

Neighborhood youth also respond positively to organized activities such as youth organizations and recreation centers for teens. These programs seem to positively affect both the individual level (e.g., they improve participants' self-control) and institutional level (e.g., they encourage informal social control).<sup>99</sup>

- *Public social control.* Stable neighborhoods can also arrange for external sources of social control. If they can draw on outside help and secure external resources—a process called public social control—they are better able to reduce the effects of disorganization and maintain lower levels of delinquency and gang membership.<sup>100</sup>

In more disorganized areas, the absence of political powerbrokers limits access to external funding and protection.<sup>101</sup> Without outside funding, a neighborhood may lack the ability to “get back on its feet.”<sup>102</sup> These areas have less police presence. Police who patrol the area are less motivated and their resources are stretched tighter. Some may exhibit implicit bias toward people of color, making decisions or taking actions based on their personal bias and stereotypes rather than relying on facts and observed behaviors. This condition can lead to adverse consequences.<sup>103</sup> Such reactions result in police losing the backing of community residents.

**The Effect of Collective Efficacy** Adolescents who live in neighborhoods with concentrated disadvantage and low collective efficacy begin to lose confidence in their ability to avoid violence. They perceive, and rightly so, that the community cannot provide the level of social control needed to neutralize or make up for what individuals lack in personal self-control.<sup>104</sup> The lack of community controls may convince them to take matters into their own hands— some may cope by joining a gang or carrying a weapon for self-protection.

In contrast, more cohesive neighborhoods experience far less youthful misbehavior.<sup>105</sup> In areas where collective efficacy remains high, children are less likely to become involved with deviant peers and engage in problem behaviors. In these more stable areas, kids use their wits to avoid violent confrontations and to feel safe in their own neighborhood, a concept known as **street efficacy**.<sup>106</sup> Adolescents with high levels

#### **street efficacy**

Using one's wits to avoid violent confrontations and to feel safe.

of street efficacy are less likely to resort to violence themselves or to associate with delinquent peers.<sup>107</sup> They instead can turn to community organizations and volunteer groups for support even when family influences are lacking.<sup>108</sup>

Collective efficacy has other benefits. When residents are satisfied that their neighborhoods are good places to live, they feel obligated to maintain order and are more willing to work hard to encourage informal social control. In areas where social institutions and processes—such as police protection—are working adequately, residents are willing to intervene personally to help control unruly children and uncivil adults.<sup>109</sup>

According to the social ecology school, the quality of community life, including levels of change, fear, incivility, poverty, and deterioration, directly influences an area's delinquency rate. People commit delinquency not for some individual property or trait but for the quality and ambience of the community in which they reside. Delinquency rates are low in communities and neighborhoods with high levels of formal and informal social control and can provide collective efficacy. The effect of these community-level influences seems strong both in the United States and abroad, no matter what the economic situation presents.<sup>110</sup>

## LO5

Analyze the concept of anomie and how it impacts delinquent behavior

## Strain Theory

Strain theory suggests that while most people share similar values and goals, such as desiring a good education, a nice home, a great car, and stylish clothes, the ability to achieve these personal goals is stratified by socioeconomic class. While the affluent may live the American Dream, the poor are blocked from achieving their goals. Because poor kids can't always get what they want, they begin to feel frustrated and angry, a condition called strain.

As Robert Agnew points out, not all adolescents feel or succumb to strain.<sup>111</sup> Given the same set of circumstances, feelings of anomie or strain may vary, being a function of the individual's resistance or susceptibility to the events and conditions they encounter. Even in the face of highly stressful events, those with high resistance abilities are less likely to succumb to pressures for or attractions to delinquency. In contrast, adolescents who are more susceptible to external strains are more likely to be negatively influenced. The question remains, why can some kids cope with strain while others succumb to anger and frustration? Having social support at both the family and neighborhood levels seems to help. Some kids are more sensitive to the environment than others.

So while some young people can cope with feelings of strain, others, feeling economically and socially humiliated, want to humiliate others in turn.<sup>112</sup> If they fail to take risky aggressive tactics, they will surely lose out in social competition and have little chance of future success.<sup>113</sup> Sharp divisions between the rich and poor create an atmosphere of envy and mistrust that may lead to violence and aggression.<sup>114</sup> Psychologists warn that under these circumstances, those who consider themselves "losers" begin to fear and envy "winners" who are doing very well at their expense, leading to aggressive responses.<sup>115</sup>

## Merton's Theory of Anomie

French sociologist Émile Durkheim coined the term **anomie** (from the Greek *a nomos*, "without norms") to describe a society in which rules of behavior (i.e., values, customs, and norms) have broken down during periods of rapid social change or social crisis. Anomie undermines society's social control function. Society can no longer establish and maintain control if it becomes anomic. Under these circumstances, the will to obey legal codes is strained, and alternatives, such as crime, become more attractive.

Durkheim's ideas were applied to the onset of crime and delinquency in contemporary society by sociologist Robert Merton in his theory of anomie.<sup>116</sup> Merton used a modified version of the concept of anomie to fit social, economic, and cultural

### anomie

Normlessness produced by rapidly shifting moral values; according to Merton, anomie occurs when personal goals cannot be achieved using available means.



conditions found in modern U.S. society.<sup>117</sup> He found that two elements of culture interact to produce potentially anomic conditions: the clash of culturally defined goals and socially approved means. Contemporary society stresses the goals of acquiring wealth, success, and power. Socially permissible means include hard work, education, and thrift. If a dissonance occurs between goals and means, anomie results.

Merton argued that legitimate means to acquire wealth are stratified across class and status lines in the United States. Indigent lower-class kids, with insufficient formal education and few economic resources, soon find that they are denied the opportunity to get what they want: money, power, and success. While everyone may want the same things, millions of people cannot get them through legal or legitimate means. Consequently, they may develop criminal or delinquent solutions to the problem of attaining goals.

**Social Adaptations** Merton argued that each person has their own concept of the goals of society and the means at their disposal for attaining them. Here is a brief description of each of these modes of adaptation:

- *Conformity.* Conformity occurs when individuals both embrace conventional social goals and have the means at their disposal to attain them. The conformist desires wealth and success and can obtain them through education and a high-paying job. This approach is the most common social adaptation in a balanced, stable society. If a majority of its people did not practice conformity, society would cease to exist.
- *Innovation.* Innovation occurs when an individual accepts society's goals but rejects or is incapable of attaining them through legitimate means. Many kids desire material goods and luxuries but lack the financial ability to attain them. The resulting conflict forces them to adopt innovative solutions to their dilemma: they steal, sell drugs, or extort money. Of the five adaptations, innovation is most closely associated with delinquent behavior.
- *Ritualism.* Ritualists are less concerned about accumulating wealth and instead gain pleasure from practicing traditional ceremonies regardless of whether they have a real purpose or goal. The strict set of manners and customs in religious orders, clubs, and college fraternities encourage and appeal to ritualists.
- *Retreatism.* Retreatists reject both the goals and the means of society. Merton suggests that people who adjust in this fashion are "in the society but not of it." This category includes "psychotics, psychoneurotics, chronic autists, pariahs, outcasts, vagrants, vagabonds, tramps, chronic drunkards, and drug addicts." Because such people are morally or otherwise incapable of using both legitimate and illegitimate means, they attempt to escape their lack of success by mentally or physically withdrawing.
- *Rebellion.* Rebellion involves substituting an alternative set of goals and means for conventional ones. Revolutionaries who wish to promote radical change in the existing social structure and who call for alternative lifestyles, goals, and beliefs are engaging in rebellion. Rebellion may be a reaction against a corrupt and hated government or an effort to create alternate opportunities and lifestyles within the existing system.

According to Merton, social inequality leads to perceptions of anomie. To resolve the goals or means conflict and relieve their sense of strain, some kids innovate by stealing or extorting money; others retreat into drugs and alcohol, others rebel by joining a gang or group, and still others get involved in ritualistic behavior by joining a religious cult.

**Anomie and Immigration** Considering the economic stratification of U.S. society, and the general emphasis on economic success above all else, anomie predicts that crime and delinquency rates will be higher in lower-class cultures. But

there are some exceptions to this rule. You may recall that immigrants, especially those from Latin America, have lower delinquency rates than the general population. How can this finding be explained, considering this group is one where feelings of anomie might be expected? In *Latino Homicide: Immigration, Violence, and Community*, sociologist Ramiro Martinez attempts to explain why the Latino homicide rate is relatively low even though many Latinos live in substandard communities. One reason is that Latino expectations for success and wealth are also relatively low, a worldview that helps shield them from the influence of residence in deteriorated communities. Moreover, many Latinos are immigrants who have fled conditions in their homelands that are considerably worse than they find in the United States. Since they are now relatively less deprived, the “strain” of living in poverty has less impact.<sup>118</sup> Martinez’s conclusions are supported by research conducted by Grace Kao and Marta Tienda, who find that despite hardship and socioeconomic disadvantages, immigrants remain committed to their aspirations of conventional success. They believe they have more opportunities in the United States than were available in their countries of origin. Because immigrants often face harsher environments in their home countries, they are more creative in inventing solutions to their current predicaments that do not involve criminal activities. Thus, because they are oriented toward conventional achievement, immigrants are less likely to seek innovative methods of dealing with anomie and more likely to embrace conformity.<sup>119</sup>

## Institutional Anomie Theory (IAT)

An important addition to the strain literature is the book *Crime and the American Dream* by Steven Messner and Richard Rosenfeld. Their macro-level version of anomie theory views antisocial behavior as a function of cultural and institutional influences in U.S. society, a model they refer to as “institutional anomie theory.” Messner and Rosenfeld agree with Merton’s view that the success goal is pervasive in American culture. They refer to this as the “American Dream,” a term they employ as both a goal and a process. As a goal, the American Dream involves accumulating material goods and wealth via open individual competition. As a process, it involves both being socialized to pursue material success and believing that prosperity is an achievable goal in American culture. In the United States, the capitalist system encourages innovation in pursuit of monetary rewards. Businesspeople such as Bill Gates, Mark Zuckerberg, and Elon Musk are considered national heroes and leaders. Anomic conditions occur because the desire to succeed at any cost drives people apart, weakens the collective sense of community, fosters ambition, and restricts desires to achieve anything that is not material wealth. Achieving a “good name” and respect is not sufficient. Capitalist culture “exerts pressures toward delinquency by encouraging an anomic cultural environment, an environment in which people are encouraged to adopt an ‘anything goes’ mentality in the pursuit of personal goals... [and] the anomic pressures inherent in the American dream are nourished and sustained by an institutional balance of power dominated by the economy.”<sup>120</sup>

What is distinct about American society, according to Messner and Rosenfeld, is that anomic conditions have been allowed to develop to such an extraordinary degree.<sup>121</sup> Because achieving financial status is the most significant element of American life and trumps any other social value, it should be no surprise that kids will commit crimes to obtain symbols of wealth and power.

**Impact of the American Dream Culture** Why does anomie pervade American culture? According to Messner and Rosenfeld, it is because capitalist culture promotes intense pressures for economic success at the expense of the family, community, and religion. As a result, the value structure of society is dominated by economic realities that weaken institutional social control. In other words, people are so interested in making money that their behavior cannot be controlled by the needs of family or the restraints of morality.

There are three reasons social institutions have been undermined. First, noneconomic functions and roles have been devalued. Performance in other institutional settings—the family, school, or community—is assigned a lower priority than the goal of financial success. Few kids go to school to study the classics; most want a good job and to make money. Second, economic roles are now dominant. Workplace needs now take priority over those of the home, the school, the community, and other aspects of social life. A parent with the opportunity for a promotion thinks nothing of uprooting their family and moving them to another part of the country. Third, greed and materialism have developed cultlike status. According to Messner and Rosenfeld, delinquency rates remain high in the United States, and gangs are ubiquitous because the American Dream mythology ensures that many kids will develop wishes and desires for material goods that cannot be satisfied by legitimate means. Kids will be willing to do anything to get ahead, from cheating on tests to selling drugs on campus.<sup>122</sup>

**Support for the IAT** Several research efforts have supported the principles set out in the IAT.<sup>123</sup> Support can be found not only on the macro societal level, as predicted by Messner and Rosenfeld, but also on the micro individual level: kids who value money and wealth above all else are the ones most likely to commit delinquent acts. The more they say that making money is what's most important to them, the more likely they are to get involved in antisocial behaviors.<sup>124</sup> Not surprisingly, the greedier people become, the harsher the punishment handed out.<sup>125</sup> Cross-cultural studies also support the IAT. Recent research conducted with students in Germany found that the more students maintain what is known as a “marketized mentality,” an individual-level value configuration characterized by such values as a very strong achievement orientation, egoistical individualism, the fetishism of money, and so on, the more likely they will engage in delinquent behaviors. School climate exacerbates the association. Suppose they attend a school whose climate is characterized by competitiveness and egoism. In that case, those with a marketized mentality will be more likely to hold values that support the use of violence and the employment of theft. Thus, competitive, egotistical, greedy kids who go to a highly competitive school will turn to crime, which then promotes school failure, which is associated with more crime, in a never-ending loop.<sup>126</sup>

## LO6

Articulate the core concepts of General Strain Theory

## General Strain Theory

Sociologist Robert Agnew's **general strain theory (GST)** helps identify strain's micro-level, or individual, influences. Agnew's theory explains why individuals who feel stress and strain are more likely to engage in delinquent acts.<sup>127</sup>

**Multiple Sources of Stress** Agnew suggests that delinquency directly results from **negative affective states**—the anger, frustration, and adverse emotions kids feel in the wake of negative and destructive social relationships. He finds that a variety of sources of strain produces negative affective states:

- *Failure to achieve positively valued goals.* This strain occurs when youths aspire to wealth and fame but lack the financial and educational resources to achieve their goals.<sup>128</sup>
- *Disjunction between expectations and achievements.* When kids compare themselves to peers who seem to be doing a lot better financially or socially, they will feel the strain. For example, when a high school senior is accepted at a good college but not a “prestige school” like some of her friends, she will feel the strain. She believes she has not been treated fairly because the “playing field” is tilted against her or because “other kids have connections.”
- *Removal of positively valued stimuli.* Strain may occur because of the actual or anticipated removal or loss of a positively valued stimulus from the

### general strain theory (GST)

According to Agnew, the view that multiple sources of strain interact with an individual's emotional traits and responses to produce criminality.

### negative affective states

Anger, depression, disappointment, fear, and other adverse emotions that derive from strain.

individual.<sup>129</sup> Losing a girlfriend or boyfriend can produce strain, as can the death of a loved one, moving to a new neighborhood or school, or the divorce or separation of parents.<sup>130</sup> The loss of positive stimuli may lead to delinquency as the adolescent tries to prevent the loss, retrieve what has been lost, obtain substitutes, or seek revenge against those responsible for the loss. A child who experiences parental separation or divorce early in life may seek deviant peers to help fill his emotional needs and increase his chances of criminality.<sup>131</sup> It is not surprising when teens increase their involvement in antisocial activities after they suffer a romantic breakup.<sup>132</sup>

- *Presentation of negative stimuli.* Negative experiences such as child abuse and neglect, crime victimization, racism and discrimination, physical punishment, family and peer conflict, school failure, and interaction with stressful life events ranging from family breakup to dissatisfaction with friends can also produce feelings of strain.<sup>133</sup> Even such negative life experiences as poor health can bring negative emotions and subsequent delinquent behaviors.<sup>134</sup>

**The Effects of Strain** Each type of strain will increase the likelihood of experiencing such negative emotions as disappointment, depression, fear, and, most important, anger. Anger increases perceptions of being wronged, produces a desire for revenge, energizes individuals to take action, and lowers inhibitions. Violence and aggression seem justified if you have been wronged and are righteously angry. Exposure to negative stimuli gets kids angry, and some react inappropriately: They assault their parents and/or teachers; they run away from home or drop out of school; they seek revenge (e.g., vandalize school property), or self-medicate by using drugs and alcohol.<sup>135</sup>

Kids who feel strain are most likely to engage in antisocial behaviors.<sup>136</sup> Some seek out other angry kids and/or join gangs.<sup>137</sup> Peers may pressure them into more forms of antisocial behavior, creating even more stress in their lives.<sup>138</sup>

Not all kids who feel strain succumb to deviant behaviors, but those who do, who can't seem to cope, have had a long history of experience with negative stimuli, including crime victims themselves.<sup>139</sup> Juveniles who are impulsive, lack self-control, and have negative emotions are also likely to react to strain with delinquency and antisocial behaviors.<sup>140</sup> In contrast, those who can call on others for help and have support from family, friends, and social institutions are better able to cope with the strain.<sup>141</sup>

Ironically, in some instances, engaging in antisocial behaviors can relieve feelings of anger and rage. Although it may be socially disapproved, delinquency can provide relief and satisfaction for someone living an otherwise stress-filled life. Using violence for self-protection may increase feelings of self-worth among those who feel inadequate or intellectually insecure. Kids may lash out to mitigate the effects of strain. Research shows that children who report hitting or striking their parents also report that they have been the target of parental violence (hitting, slapping). In this case, assaulting their parents may be viewed as a remedy for the strain caused by child abuse.<sup>142</sup>

A number of research studies have supported the validity of the GST.<sup>143</sup> A few of the findings include:

- Adolescents who perceive strain because they feel they are being treated unfairly report high levels of theft.<sup>144</sup>
- Living in strain-producing social conditions leads to negative emotions and involvement in antisocial acts.<sup>145</sup>
- Children who experience parental incarceration experience both the removal of a positive stimulus, e.g., a parental guardian, and the application of a negative stimulus, e.g., lack of income and increased poverty. They are more likely to engage in delinquent activity.<sup>146</sup>
- Agnew's vision does not seem culture bound; empirical tests of the theory abroad are generally supportive.<sup>147</sup>



## Focus on Delinquency

### Racialized General Strain Theory (RGST)

According to the GST, racism and racial discrimination also contribute to strain. Youth of color encounter racist attitudes at school and in public places. Some of these incidents are overt and intentionally hostile. In contrast, others are a product of microaggressions: routine slights, snubs, or insults that communicate derogatory or negative meanings based solely upon their race, ethnicity, or sexual orientation. These sources of strain are most likely to result in offending when they are seen as unjust, and their target lacks the resources to cope legitimately.

Because of the intersectionality of race, strain, and crime, Agnew and associates propose a racialized general strain theory (RGST). It rests on the proposition that African Americans hold a uniquely disadvantaged social position in American culture that puts them under the threat of significantly more strain than European Americans and makes them vulnerable to the lure of crime. Because of institutional and structural racism, African American adolescents are more likely to live below the poverty line, come from a disrupted home, have less education, and live in disorganized urban communities. Lacking access to positive social support from family or peers, African American families are more likely to experience economic strains, such as financial instability, due to severe poverty, chronic unemployment, or underpaid employment. RGST argues these financial strains lead to tensions within the household and disrupted parenting. African Americans are also more likely to live in disadvantaged neighborhoods, which increases the likelihood of victimization. These unique sources of strain produce such emotional states as depression, dependency, anger, weak bonds to society, and other negative affective states that are associated with crime. And if they do commit crime, Black youths are more likely to be arrested, detained, convicted, and incarcerated than Whites; further increasing feelings of injustice and strain.

Ironically, these continually occurring strain experiences may actually help African American kids avoid strain's negative fallout and shape the way they react to strain. Though they experience strain less often, European Americans may actually be more deeply affected by perceptions of strain than African Americans. The possible reason: African Americans face discrimination so frequently that they develop the coping skills necessary to effectively handle strain. In contrast, European Americans have much less experience with such strain producers as victimization, discrimination, and microaggressions. They therefore lack the coping skills to deal with these emotions when they occur. One major divergence from this pattern: police injustices appear to affect children of color much more than White children; African American youths are more likely to respond with aggressive behavior to perceived police abuse; having a negative encounter with police may actually serve as a deterrent to crime when experienced by White adolescents.

#### Critical Thinking

1. Considering these effects of racial disparity, should schools make analysis of race relations and discrimination a requirement? If so, at what age/grade should students be exposed to racial bias and preference discussions?
2. Do you agree that White kids lack the social coping mechanisms children of color possess because they are not forced to deal with social aggressions daily?

SOURCE: Marisa Omori and Nick Petersen, "Institutionalizing Inequality in the Courts: Decomposing Racial and Ethnic Disparities in Detention, Conviction, and Sentencing," *Criminology* 58: 678–713 (2020); Deena Isom Scott and Jessica Grosholz, "Unpacking the Racial Disparity in Crime from a Racialized General Strain Theory Perspective," *Deviant Behavior* 40: 1445–1463 (2019). Joanne Kaufman, Cesar Rebellon, Sherod Thaxton, and Robert Agnew, "General Strain Theory of Racial Differences in Criminal Offending," *Australian and New Zealand Journal of Criminology* 41: 421–437 (2008).

### Cultural Deviance Theories

The third branch of social structure theory combines the effects of social disorganization and strain to explain how kids living in deteriorated neighborhoods react to social isolation and economic deprivation. Because their lifestyle is draining, frustrating, and dispiriting, members of the lower class create an independent subculture with its own rules and values. Middle-class culture stresses hard work, delayed gratification, formal education, and cautiousness; the lower-class subculture stresses excitement, toughness, risk-taking, fearlessness, immediate gratification, and "street smarts." The lower-class subculture is an attractive alternative because the urban poor find it impossible to meet middle-class society's behavioral demands.

#### LO7

Define the term *cultural deviance* and analyze theories of cultural deviance

Unfortunately, subcultural norms often clash with conventional values. People who have close personal ties to the neighborhood, especially to deviant networks such as gangs and delinquent groups, may find that community norms interfere with their desire for neighborhood improvement. So when the police are trying to solve a gang-related killing, neighbors may find that their loyalty to the gang boy and his family outweighs their desire to create a more stable, crime-free community by giving information to the police.<sup>148</sup>

The cultural deviance model assumes that kids will be drawn to the culture of the gang. Kids who feel alienated from the normative culture can find a home in the gang. In disorganized areas, gangs are a stable community feature rather than a force of disruption. Gang membership appeals to adolescents who are alienated from their families and the mainstream of society. Unsurprisingly, kids who have had problems with the law and suffer juvenile justice processing are more likely to join gangs than nonstigmatized kids.<sup>149</sup>

Joining a gang is a type of “turning point” that changes the direction of people’s lives. Gang membership portends a substantial change in emotions, attitudes, and social controls conducive to criminality.<sup>150</sup> The more embedded a boy becomes in the gang and its processes, the less likely he is to leave. When David Pyrooz and his research team interviewed gang members, they found that most less involved gang boys leave within six months of their first gang contact, while more involved kids stay at least two more years.<sup>151</sup>

The cultural deviance model has several variations, and the most important are described below.

## Focal Concern Theory

In his classic 1958 paper “Lower-Class Culture as a Generating Milieu of Gang Delinquency,” Walter Miller identified the unique value system that defines lower-class culture.<sup>152</sup> Conformance to these **focal concerns** dominates life among the lower class. According to Miller, clinging to lower-class focal concerns promotes illegal or violent behavior. Toughness may mean displaying fighting prowess; street smarts may lead to drug deals; excitement may result in drinking, gambling, or drug abuse. Focal concerns do not necessarily represent a rebellion against middle-class values; instead, these values have evolved specifically to fit conditions in lower-class areas. The major lower-class focal concerns are shown in Exhibit 4.1.<sup>153</sup>

Kids who obey the cultural demands of their neighborhood and community find themselves at odds with middle-class society. They value toughness and want to show they are courageous in the face of provocation.<sup>154</sup> A tough reputation helps them acquire social power while insulating them from becoming victims. Violence is also seen as a means to acquire wealth (nice clothes, flashy cars, the latest smartphones), control or humiliate another person, defy authority, settle drug-related “business” disputes, attain retribution, satisfy the need for thrills or risk-taking, and respond to challenges to one’s manhood.<sup>155</sup>

The influence of lower-class focal concerns and culture seems as relevant today as when first identified more than 50 years ago. The Focus on Delinquency feature entitled “The Code of the Streets” discusses a recent version of the concept of cultural deviance.

## Theory of Delinquent Subculture

Albert Cohen first articulated the theory of delinquent subculture in his classic 1955 book *Delinquent Boys*.<sup>156</sup> Cohen’s central position was that delinquent behavior of lower-class youths is a protest against the norms and values of middle-class U.S. culture. Because social conditions make them incapable of achieving success legitimately, lower-class youths experience a form of cultural conflict that Cohen labels **status frustration**.<sup>157</sup> As a result, many join gangs and engage in behavior that is “non-utilitarian, malicious, and negativistic.”<sup>158</sup>

### focal concerns

The value orientation of lower-class culture that is characterized by a need for excitement, trouble, smartness, fate, and personal autonomy.

### status frustration

A form of culture conflict experienced by lower-class youths because social conditions prevent them from achieving success as defined by the larger society.

## Exhibit 4.1

### Miller's Lower-Class Focal Concerns

#### Trouble

In lower-class communities, people are evaluated by their actual or potential involvement in making trouble. Getting into trouble includes such behavior as fighting, drinking, and sexual misconduct. Dealing with trouble can confer prestige—for example, when a male establishes a reputation for being able to handle himself well in a fight. Not being able to handle trouble and paying the consequences can make a person look foolish and incompetent.

#### Toughness

Lower-class males want local recognition of their physical and spiritual toughness. They refuse to be sentimental or soft and instead value physical strength, fighting ability, and athletic skill. Those who cannot meet these standards risk getting a reputation for being weak, inept, and effeminate.

#### Smartness

Members of the lower-class culture want to maintain the image that they are streetwise and savvy, use their

street smarts, and can outfox and out-con the opponent. Though they don't admire formal education, knowing essential survival techniques, such as gambling, conning, and outsmarting the law, is a requirement.

#### Excitement

Members of the lower class search for fun and excitement to enliven an otherwise drab existence. The search for excitement may lead to gambling, fighting, getting drunk, and sexual adventures. In between these actions, the lower-class citizen may simply "hang out" and "be cool."

#### Fate

Lower-class citizens believe their lives are in the hands of strong spiritual forces that guide their destinies. Getting lucky, finding good fortune, and hitting the jackpot are all slum dwellers' daily dreams.

#### Autonomy

Being independent of authority figures, such as the police, teachers, and parents, is required; losing control is an unacceptable weakness, incompatible with toughness.

SOURCE: From Walter Miller, "Lower-Class Culture as a Generating Milieu of Gang Delinquency," *Journal of Social Issues* 14:5–19. Copyright © 1958 by John Wiley and Sons.

Cohen viewed the delinquent gang as a separate subculture, possessing a value system directly opposed to that of the larger society. He describes the subculture as one that "takes its norms from the larger culture, but turns them upside down. The delinquent's conduct is right by the standards of his subculture precisely because it is wrong by the norms of the larger cultures."<sup>159</sup>

According to Cohen, the development of the delinquent subculture is a consequence of socialization practices found in the ghetto or inner-city environment. These children lack the basic skills necessary to achieve social and economic success in the demanding U.S. society. They also lack the proper education and therefore do not have the skills to build a knowledge or socialization foundation. He suggests that lower-class parents cannot teach children the necessary techniques for entering the dominant middle-class culture. The consequences of this deprivation include developmental handicaps, poor speech and communication skills, and an inability to delay gratification.

**Middle-Class Measuring Rods** One significant handicap that lower-class children face is the inability to positively impress authority figures, such as teachers, employers, or supervisors. Cohen calls the standards set by these authority figures **middle-class measuring rods**. The conflict and status frustration lower-class youths experience when they fail to meet these standards is a primary cause of delinquency. For example, the fact that those in power deem a lower-class student to be substandard or below the expected average can affect the student's future life chances. Juvenile court authorities and the military may review a school record. A military record, in turn, can influence whether or not someone is qualified for certain jobs.<sup>160</sup> Negative evaluations become part of a permanent file that follows an individual for the rest of their life. When they want to improve, evidence of prior failures is used to discourage advancement.

#### middle-class measuring rods

Standards by which teachers and other representatives of state authority evaluate students' behavior; when lower-class youths cannot meet these standards, they are subject to failure, bringing frustration and anger at conventional society.

# Focus on Delinquency

## The Code of the Streets

A widely cited view of the interrelationship of culture and behavior is Elijah Anderson's concept of the "code of the streets." He sees life circumstances as tough for the "ghetto poor"—lack of jobs that pay a living wage, stigma of race, fallout from rampant drug use and drug trafficking, and alienation and lack of hope for the future. Such an environment places young people at special risk of delinquency and deviant behavior.

Two cultural forces run through the neighborhood and shape their reactions: decent values and street values. *Decent values* are taught by families committed to middle-class values and representing mainstream goals and standards of behavior. Though they may be better off financially than some street-oriented neighbors, they are generally "working poor." They value hard work and self-reliance and are willing to sacrifice for their children; they harbor hopes for a better future. Most go to church and take a strong interest in education. Some see their difficult situation as a test from God and derive great support from their faith and the church community.

In opposition, *street values* are born in the despair of inner-city life and are in opposition to those of mainstream society. The street culture has developed what Anderson calls a code of the streets, a set of informal rules establishing both proper attitudes and ways to respond if challenged. If the rules are violated, penalties and sometimes violent retribution result.

At the heart of the code is the issue of respect—loosely defined as being treated "right." The code demands that disrespect be punished, or hard-won respect will be lost. With the right amount of respect, a person can avoid "being bothered" in public. If he is bothered, not only may he be in physical danger, but also, he has been disgraced or "dissed" (disrespected). Some forms of dissing, such as maintaining eye contact for too long, may seem pretty mild. But to street kids who live by the code, these actions become serious indications of the other person's intentions and a warning of imminent physical confrontation.

These two orientations—decent and street—socially organize the community. Their coexistence means that kids raised in decent homes must be able to navigate the demands of the street culture successfully. Even in decent families, parents recognize that the code must be obeyed or, at the very least, negotiated; it cannot simply be ignored.

### The Respect Game

Young men in poor inner-city neighborhoods build their self-image on the foundation of respect. Having "juice" (as respect

is sometimes called on the street) means they can take care of themselves, even if it means resorting to violence. Losing respect on the street can be damaging and dangerous for street youth. Once they have demonstrated that they can be insulted, beaten up, or stolen from, they become an easy target. Kids from decent families may be able to keep their self-respect by getting good grades or a scholarship. Street kids do not have that luxury. They cannot walk away from an insult if they have nothing to fall back on. They must retaliate with violence.

One method of preventing attacks is to go on the offensive. Aggressive, violence-prone people are not seen as easy prey. Robbers do not get robbed, and street fighters are not the favorite targets of bullies. A youth who communicates an image of not being afraid to die and not being afraid to kill has given himself a sense of power on the street.

Anderson's work has been well received. Several researchers have found that the code of the streets does exist and that Anderson's observations are valid. Those whose loyalty to the code of the streets is the greatest also experience the greatest frequency of violent offending. Adolescents with strong family ties are more likely to embrace decent values, while those with less influential family are more likely to hold street code beliefs.

### Critical Thinking

1. Does the street code, as described by Anderson, apply in the neighborhood where you were raised? Is it universal?
2. Can you apply the "code of the street" concept to aspects of today's college experience? For example, can the code explain harmful fraternity hazing that can lead to injury and even death? What about sexual violence on campus committed by men from upper and middle-class backgrounds who have been exposed for most of their lives to what Anderson would consider being "decent values"?

SOURCES: Elijah Anderson, *Code of the Street: Decency, Violence, and the Moral Life of the Inner City* (New York: Norton, 2000); Anderson, "The Code of the Streets," *Atlantic Monthly* 273:80–94 (1994); Adam Fine, Richard Moule, Rick Trinkner, Paul Frick, Laurence Steinberg & Elizabeth Cauffman, Legal Socialization and Individual Belief in the Code of the Streets: A Theoretical Integration and Longitudinal Test," *Justice Quarterly* Published online August 19, 2021. Richard Moule, Jr., Callie Burt, Eric Stewart, and Ronald Simons, "Developmental Trajectories of Individuals' Code of the Street Beliefs Through Emerging Adulthood," *Journal of Research in Crime and Delinquency* 52:342–372 (2015); Timothy Brezina, Robert Agnew, Francis Cullen, and John Paul Wright, "The Code of the Street: A Quantitative Assessment of Elijah Anderson's Subculture of Violence Thesis and Its Contribution to Youth Violence Research," *Youth Violence and Juvenile Justice* 2:303–328 (2004); Jeffrey Fagan, *Adolescent Violence: A View from the Street*, NIJ Research Preview (Washington, DC: National Institute of Justice, 1998).



**The Formation of Deviant Subcultures** Cohen believes lower-class boys who suffer rejection by middle-class decision makers usually elect to join one of three existing subcultures: the corner boy, the college boy, or the delinquent boy. The *corner boy* role is the most common response to middle-class rejection. The *corner boy* is not a chronic delinquent but may be a truant who engages in petty or status offenses, such as precocious sex and recreational drug abuse. His main loyalty is to his peer group, on which he depends for support, motivation, and interest. His values, therefore, are those of the group with which he is in close personal contact. The corner boy, well aware of his failure to achieve the standards of the American Dream, retreats into the comforting world of his lower-class peers and eventually becomes a stable member of his neighborhood, holding a menial job, marrying, and remaining in the community.

The *college boy* embraces the cultural and social values of the middle class. Rather than scorning middle-class measuring rods, he actively strives to be successful by those standards. Cohen views this type of youth as one who is embarking on an almost hopeless path since he is ill-equipped academically, socially, and linguistically to achieve the rewards of middle-class life.

The *delinquent boy* adopts a set of norms and principles in direct opposition to middle-class values. He engages in short-run hedonism, living for today and letting “tomorrow take care of itself.”<sup>161</sup> Delinquent boys strive for group autonomy. They resist efforts by family, school, or other sources of authority to control their behavior. They may join a gang because they perceive it as autonomous, independent, and focused on “attraction, loyalty, and solidarity.”<sup>162</sup> Frustrated by their inability to succeed, these boys resort to a process Cohen calls **reaction formation**, taking middle-class values and turning them on their heads. If the middle class respects hard work and sobriety, the delinquent boy values leisure and substance abuse. Reaction formation can lead to irrational, malicious, and unaccountable hostility toward the “enemy,” which, in this case, Cohen warns, is “the norms of respectable middle-class society.”<sup>163</sup> Reaction formation causes delinquent boys to overreact to any perceived threat or slight, sneering at the college boy’s attempts at assimilation and scorning the corner boy’s passivity. The delinquent boy is willing to take risks, violate the law, and flout middle-class conventions.

Cohen’s work helps explain the factors that promote and sustain a delinquent subculture. By introducing the concepts of status frustration and middle-class measuring rods, Cohen clarifies that social forces, not individual traits, promote and sustain a delinquent career. By introducing the corner boy, college boy, and delinquent boy triad, he helps explain why many lower-class youths do not become chronic offenders: there is more than one social path open to indigent youth.<sup>164</sup> His work skillfully integrates strain and social disorganization theories and has become an enduring element of criminological literature.

## Theory of Differential Opportunity

In another classic work, *Delinquency and Opportunity*, written more than 50 years ago, Richard Cloward and Lloyd Ohlin combined strain and social disorganization principles into a portrayal of a gang-sustaining delinquent subculture that is still relevant today.<sup>165</sup> Cloward and Ohlin believe that an independent delinquent subculture has formed within lower-class society.<sup>166</sup> Youth gangs are an important part of the delinquent subculture. Although not all illegal acts are committed by gang youth, they are the source of the most serious, sustained, and costly delinquent behaviors. Delinquent gangs spring up in disorganized areas where youths lack the opportunity to gain success through conventional means.

True to strain theory principles, Cloward and Ohlin portray inner-city kids as individuals who want to conform to middle-class values but lack the means to do so.<sup>167</sup>

**Differential Opportunities** The centerpiece of the Cloward and Ohlin theory is **differential opportunity**: The availability of both successful conventional and

### reaction formation

A psychological reaction that occurs when a person does or says something that is the opposite of what they really want or what is socially expected and appropriate.

### differential opportunity

The view that lower-class youths, whose legitimate opportunities are limited, join gangs and pursue criminal careers as alternative means to achieve universal success goals.

delinquent careers is limited. In stable areas, adolescents may be recruited by organized delinquent gangs, drug traffickers, or crime groups. Unstable areas cannot support successful and profitable criminal opportunities. In these socially disorganized neighborhoods, adult role models are absent, and adolescents have few opportunities to join established gangs or learn the fine points of professional crime. In other words, opportunities for success, both illegal and conventional, are closed for the most “truly disadvantaged” youth.

Because of differential opportunity, kids are likely to join one of three types of gangs:

- *Criminal gangs.* Criminal gangs exist in stable lower-class areas where close connections among adolescent, young adult, and adult offenders create an environment for successful delinquent enterprise.<sup>168</sup> Youths are recruited into established criminal gangs that provide a training ground for a successful delinquent career.
- *Conflict gangs.* Conflict gangs develop in communities unable to provide either legitimate or illegitimate opportunities. Transient residents and physical deterioration mark these highly disorganized areas. Delinquency in this area is “individualistic, unorganized, petty, poorly paid, and unprotected.”<sup>169</sup> Conflict gang members fight to protect their own and their gang’s integrity and honor. By doing so, they acquire a “rep,” which provides them with a means for gaining admiration from their peers and consequently helps them develop their own self-image.<sup>170</sup>
- *Retreatist gangs.* Retreatists are double failures, unable to gain success through legitimate means and unwilling to do so through illegal ones. Some retreatists have tried crime or violence but are either too clumsy, weak, or scared to be accepted in delinquent or violent gangs. They then “retreat” into a role on the fringe of society. Members of the retreatist subculture constantly search for ways of getting high—alcohol, pot, heroin, unusual sexual experiences, and music. In sum, social structure theories maintain that a person’s place in the social structure determines and shapes their behavior choices. Forced to live in forbidding areas of the city, where they come into contact with violence-prone people and the social codes that justify their behavior, lower-class youth are at risk of succumbing to the lure of the streets. If these conditions can be ameliorated, so too could be involvement in antisocial behavior patterns.

## LO8

Describe the concept of social process and socialization

### socialization

The process by which human beings learn to adopt the behavior patterns of the community in which they live, which requires them to develop the skills and knowledge necessary to function within their culture and environment.

## Social Process Theories

To some delinquency experts, it is less important where you live than how you live. To them, the cause of a delinquent career can be traced an individual’s relationship with critical elements of the social process. According to this view, delinquency is a function of **socialization**, or the interactions people have with various organizations, institutions, and processes of society. Most kids are influenced by their family relationships, peer group associations, educational experiences, and interactions with authority figures, including teachers, employers, and justice system agents. If these relationships are positive and supportive, kids can succeed within the rules of society; if these relationships are dysfunctional and destructive, conventional success may be impossible, and delinquent solutions may become a feasible alternative. These ideas taken together are known as social process theory.

The influence of social process theories has endured because the relationship between social class and delinquency is still uncertain. Though millions of Americans live below the poverty line, relatively few commit serious crimes, and those who do later desist from delinquency despite the continuing pressure of poverty and social decay. Some other force, then, must be at work to explain why (a) the majority of

poor, at-risk kids living in the worst neighborhoods do not become persistent delinquent offenders and (b) why some who have no economic or social reason to commit delinquency do so anyway.

## Elements of Socialization

Four elements of socialization stand out as having links to delinquency: family, school, peer relations, and religion and belief.

**Family Influence** The primary influence on children is the family. The relationship between family structure and crime is critical when considering the high rates of divorce and single parenthood. According to the Census Bureau's Current Population Survey (CPS), in 1968, 85% of children under 18 lived with two parents (regardless of marital status); by 2020, that number had declined to about 70% living in two-parent homes.<sup>171</sup>

When parenting is inadequate, a child's maturational processes will be interrupted and damaged. Youth who grow up in households characterized by conflict and tension, and where there is a lack of familial love and support, are susceptible to the crime-promoting forces in the environment.<sup>172</sup> Parents who are too controlling or too lenient create a condition that fosters delinquent behaviors; too much or too little can be a problem.<sup>173</sup> And parental deviance can influence a child's behavior: the likelihood of delinquent outcomes is enhanced if a parent gets in trouble with the law and suffers incarceration.<sup>174</sup> Adolescents who live in this type of environment develop poor emotional well-being, externalize problems, and engage in antisocial behavior.<sup>175</sup>

There is little question, then, that family relationships significantly influence behavior. Kids who grow up in homes where parents use severe discipline yet lack warmth and are less involved in their children's lives are prone to antisocial behavior.<sup>176</sup> The more often a child is physically disciplined and the harsher the discipline, the more likely they will engage in antisocial behaviors.<sup>177</sup> In contrast, supportive parents who effectively control their children in a noncoercive fashion—*parental efficacy*—are more likely to raise children who refrain from delinquency.<sup>178</sup> Delinquency will be reduced if parents provide the type of structure that integrates children into families while allowing them to assert their individuality and regulate their own behavior.<sup>179</sup>

**School Effects** The educational process and adolescent achievement in school have been linked to delinquency. Children who do poorly in school, fail at their coursework, do not have a strong bond to the educational experience, lack educational motivation, and feel alienated are the most likely to engage in criminal acts.<sup>180</sup> Youths who feel teachers do not care, consider themselves failures, and do poorly in school are more likely to become involved in a delinquent way of life than educationally successful adolescents. School dropouts, especially those expelled, face a significant chance of entering a delinquent career.<sup>181</sup> In contrast, doing well in school and developing attachments to teachers have been linked to delinquency resistance.<sup>182</sup>

**Peer Influence and Relations** Adolescents who engage in unsupervised socializing with peers are more likely to engage in delinquency and substance abuse, especially if the friends engage in antisocial activities themselves.<sup>183</sup> Those teens with violent friends eventually become violent; those whose friends abuse substances will eventually specialize in substance abuse.<sup>184</sup>

Because the typical adolescent struggles to impress his closest friends and preserve his social circle, peer relations can be a double-edged sword.<sup>185</sup> Popular kids socialize a lot and hang out with their friends without parental supervision; this freedom places them at risk mainly because they have more unsupervised opportunities to get into trouble.<sup>186</sup> Kids who maintain close relations with antisocial peers will sustain their own delinquent behavior into their adulthood.<sup>187</sup>

**Religion and Belief** Logic would dictate that kids who hold high moral values and beliefs, who have learned to distinguish right from wrong, and regularly attend religious services should also reject antisocial behaviors.<sup>188</sup> Religion binds people together and forces them to confront the consequences of their behavior. Committing delinquent acts would violate the principles of all organized religions.

With few exceptions, most research efforts find that maintaining religious beliefs and attending religious services significantly helps reduce delinquency.<sup>189</sup> When Richard Petts used data from a national survey, he found that kids involved in religion are less likely to engage in delinquency. Religion enhances the effect of parental affection in two-parent homes and helps kids living in single-parent homes resist the influence of deviant peers. Petts concludes that religious participation helps reduce deviant behavior involvement throughout life, from adolescence until marriage.<sup>190</sup>

## The Effects of Socialization on Delinquency

To many delinquency experts, the elements of socialization described up to this point are the chief determinants of delinquent behavior. According to this view, adolescents living in even the most deteriorated urban areas can successfully resist inducements to delinquency if they have a positive self-image, learn moral values, and have the support of their parents, peers, teachers, and neighbors. The girl with a positive self-image chosen for a college scholarship has her parents' warm, loving support and is viewed as someone "going places" by friends and neighbors. She is less likely to adopt a delinquent way of life than another adolescent who is abused at home, lives with criminal parents, and whose bond to her school and peer group is shattered because she is labeled a troublemaker.<sup>191</sup> The boy who has learned delinquent behavior from his parents and siblings and then joins a neighborhood gang is much more likely to become an adult criminal than his next-door neighbor, who idolizes his hard-working, deeply religious parents. It is socialization, not the social structure, that determines life chances. The more social problems encountered during the socialization process, the greater the likelihood youths will encounter difficulties and obstacles as they mature, such as being unemployed or becoming a teenage mother.

Theorists who believe that an individual's socialization determines the likelihood of delinquency adopt the social process approach to human behavior. The social process approach has two independent branches:

- *Social learning theory* suggests that adolescents learn the techniques and attitudes of crime from close and intimate relationships with delinquent peers; delinquency is a learned behavior.
- *Social control theory* maintains that everyone has the potential to become a delinquent but that most adolescents are controlled by their bonds to society. Delinquency occurs when the forces that bind adolescents to society are weakened or broken.

Put another way, **social learning theory** assumes adolescents are born good and learn to be bad; **social control theory** assumes adolescents are born bad and must be controlled to be good. Each of these independent branches will be discussed separately.

### social learning theory

Hypothesizes that delinquency is learned through close relationships with others; asserts that children are born good and learn to be bad from others.

### social control theory

Posits that delinquency results from a weakened commitment to the major social institutions (family, peers, and school); lack of such commitment allows youths to exercise antisocial behavioral choices.

### LO9

Paraphrase what the concept of social learning and social learning theories address

## Social Learning Theory

Social learning theorists believe delinquency is a product of learning the norms, values, and behaviors associated with delinquent activity. Social learning can involve the actual techniques of crime—how to hot-wire a car or roll a joint—as well as the psychological aspects of criminality—how to deal with the guilt or shame associated with illegal activities. Learning negative attitudes and beliefs can start early in life. Some kids develop a jaundiced, pessimistic, and cynical viewpoint in adolescence.



They learn to trust no one, take a dim view of their future, and figure out that breaking social rules is the only way to get ahead in life. As they try to cope with their environment, some develop a hostile, distrusting model and approach others with suspicion and aggression. They learn to believe such things as “When people are friendly, they usually want something from you” and “Some people oppose you for no good reason.” They want everything right away and are willing to take risks to get what they want. Their life experiences teach them a cynical, contemptuous view of accepted social rules. Such a disparaging view of conventional norms increases the probability of engaging in antisocial behavior. Persistent exposure to antagonistic social circumstances and lack of exposure to positive conditions increase the chances of someone developing a hostile view of relationships. This viewpoint can lead to aggressive, opportunistic, and criminal actions. Learning to distrust the world and the people in it, embrace a here-and-now orientation, and discount prohibitions against deviance drives people into a delinquent way of life.<sup>192</sup>

## Differential Association Theory

One of the most prominent social learning theories is Edwin H. Sutherland’s **differential association theory**. Often considered the preeminent U.S. criminologist, Sutherland first put forth his theory in his 1939 text, *Principles of Criminology*.<sup>193</sup> The final version of the theory appeared in 1947. When Sutherland died in 1950, Donald Cressey, his longtime associate, continued his work. Cressey was so successful in explaining and popularizing his mentor’s efforts that differential association remains one of the most enduring explanations of delinquent behavior.

Sutherland’s research on white-collar crime, professional theft, and intelligence led him to dispute the notion that delinquency was a function of the inadequacy of children in the lower classes.<sup>194</sup> To Sutherland, delinquency stemmed neither from individual traits nor socioeconomic position; instead, he believed it to be a function of a learning process that could affect any individual in any culture. Acquiring a behavior is a social learning process, not a political or legal process. Skills and motives conducive to delinquency are learned from contacts with pro-delinquency values, attitudes, definitions, and other patterns of delinquent behavior.

### differential association theory

Asserts that criminal behavior is learned primarily within interpersonal groups and that youths will become delinquent if definitions they have learned favorable to violating the law exceed definitions favorable to obeying the law within that group.

**Principles of Differential Association** The basic principles of differential association are explained as follows:<sup>195</sup>

- *Delinquent behavior is learned.* Sutherland believed that the tools for crime and delinquency are acquired in the same manner as any other learned behavior, such as writing, painting, or reading.
- *Learning is a by-product of interaction.* Children actively participate in learning as they interact with other individuals, even their boyfriends or girlfriends.<sup>196</sup> Thus, delinquency cannot occur without the aid of others; it is a function of socialization.
- *Learning occurs within intimate groups.* Learning delinquent behavior occurs within intimate personal groups. Children’s contacts with their most intimate social companions—family, friends, peers—influence their deviant behavior and attitude development. Research shows that children who grow up in homes where parents abuse alcohol are more likely to view drinking as socially and physically beneficial.<sup>197</sup>
- *Criminal techniques are learned.* Some kids may meet and associate with older criminal “mentors” who teach them how to be successful criminals and benefit significantly from their criminal activities.<sup>198</sup> They learn how to pick a lock, shoplift, and obtain and use narcotics. In addition, novice delinquents learn to use the proper terminology for their acts and then acquire “proper” reactions to law violations. For example, getting high on marijuana and learning the appropriate way to smoke a joint are behavior patterns usually acquired from

more experienced companions. Delinquents must learn how to react properly to their illegal acts, such as when to defend them, rationalize them, or show remorse for them.

- *Perceptions of legal code influence motives and drives.* The reaction to social rules and laws is not uniform across society. Children constantly come into contact with others who maintain different views on the utility of obeying the legal code. Some kids they admire may openly disdain or flout the law or ignore its substance. Kids experience what Sutherland calls “culture conflict” when they are exposed to different and opposing attitudes toward what is right and wrong, moral and immoral. The conflict of social attitudes and cultural norms is the basis for the concept of differential association.
- *Differential associations may vary in duration, frequency, priority, and intensity.* Whether a person learns to obey the law or to disregard it is influenced by the quality of social interactions. Those of lasting *duration* have greater influence than those that are brief. Similarly, *frequent* contacts have a more significant effect than rare and haphazard contacts. Sutherland did not specify what he meant by *priority*, but Cressey and others have interpreted the term to mean the age of children when they first encounter definitions of criminality. Contacts made early in life probably have a greater and more far-reaching influence than those developed later. Finally, *intensity* is generally interpreted to mean the importance and prestige attributed to the individual or groups from whom the definitions are learned. The influence of a father, mother, or trusted friend far outweighs the effect of more socially distant figures.
- *Delinquent behavior is an expression of general needs and values, but those general needs and values do not excuse it because nondelinquent behavior is also an expression of those same needs and values.* Sutherland means that delinquency and non-delinquency cannot have the same cause. For example, delinquency cannot be caused by economic needs because poor kids can also get jobs, save money, and so on. Only learning of deviant norms through contact with an excess of definitions favorable toward delinquency produces illegal behavior.

According to Sutherland’s theory, adolescents will learn to become law violators when they are in contact with kids, groups, or events that produce an excess of definitions favorable toward delinquency and are isolated from counteracting forces. A definition favorable toward delinquency occurs, for example, when a child is exposed to friends who sneak into a theater to avoid paying for a ticket or talk about the virtues of getting high on drugs. A definition unfavorable toward delinquency occurs when friends or parents demonstrate disapproval of antisocial acts. Neutral behavior, such as reading a book, is neither positive nor negative concerning law violation. Cressey argues that neutral behavior is important; for example, when a child is occupied doing something neutral, it prevents them from being in contact with those involved in delinquent behaviors.<sup>199</sup>

**Testing Differential Theory** There has been a long history of research efforts supporting the core principles of differential association. The evidence does show a correlation between (a) having deviant parents and friends, (b) holding deviant attitudes, and (c) committing deviant acts.<sup>200</sup> Kids who report attitudes supporting deviant behavior are also likely to engage in deviant behavior.<sup>201</sup> This idea suggests that delinquents have learned deviant definitions and have incorporated them into their attitude structure. But who do they learn from?

One set of research studies tests the assumption that kids learn criminal attitudes and behaviors from their parents. Parents’ influence is unmistakable; many studies have found that parental deviance has a powerful influence on delinquent behavior.<sup>202</sup> Kids whose parents are deviants and criminals are more likely to become criminals themselves and eventually produce criminal children. The more that kids are involved

with criminal parents, the more likely they are to commit crime, suggesting a pattern of learning rather than inheritance.<sup>203</sup>

Kids also learn from their peers.<sup>204</sup> As people mature, having delinquent friends who support criminal attitudes and behavior is strongly related to developing criminal careers.<sup>205</sup> Kids who engage in antisocial activities perceive and believe that their best friends and close associates engage in and approve of antisocial activities.<sup>206</sup> Kids who associate and presumably learn from popular, assertive, and aggressive peers are more likely to behave aggressively.<sup>207</sup> Deviant peers interfere with the natural process of aging out of crime by helping provide the support that keeps kids in criminal careers.<sup>208</sup> Peer approval eases the path to chronic delinquency.

Romantic partners are another important influence. Kids involved with partners who engage in antisocial activities emulate their partner's behavior.<sup>209</sup> Adolescents with deviant romantic partners are more delinquent than those youths with more prosocial partners, regardless of friends' and parents' behavior.<sup>210</sup>

In sum, the more deviant an adolescent's social network and network of affiliations, including parents, peers, and romantic partners, the more likely they are to engage in antisocial behavior.<sup>211</sup> The association between crime and measures of differential association is "quite strong."<sup>212</sup>

## Neutralization Theory

Neutralization theory is another type of social learning theory.<sup>213</sup> According to this view, becoming a delinquent is a learning experience in which potential delinquents and criminals master techniques that enable them to counterbalance or neutralize conventional values and drift back and forth between illegitimate and conventional behavior. One reason this is possible is the subterranean value structure of American society. **Subterranean values** are morally tinged influences that have become entrenched in the culture but are publicly condemned. While condemned in public, they exist alongside conventional values and may be admired or practiced in private. Examples include viewing pornographic films, drinking alcohol to excess, and gambling on sporting events. In American culture, it is common to hold both subterranean and conventional values; few kids are "all good" or "all bad."

Even the most committed delinquents are not involved in delinquency all the time; they also attend school, family functions, and religious services. Their behavior can be conceived as falling along a continuum between total freedom and total restraint. This process, called **drift**, refers to the movement from one extreme of behavior to another, resulting in behavior that is sometimes unconventional, free, or deviant and, at other times, constrained and sober.<sup>214</sup>

**Techniques of Neutralization** To neutralize moral constraints, kids learn a distinct set of justifications for their law-violating behavior. If the guilt that normally accompanies acts that harm others could be neutralized, then a person can drift into crime without suffering pangs of remorse or shame; the less guilt, the more crime.<sup>215</sup> These **neutralization techniques** enable them to temporarily drift away from the rules of the normative society and participate in subterranean behaviors. These techniques of neutralization include the following patterns:<sup>216</sup>

- **Deny responsibility.** Young offenders sometimes claim their unlawful acts were simply not their fault. Delinquents' acts resulted from forces beyond their control or were accidents.
- **Deny injury.** By denying an act's wrongfulness, delinquents can neutralize illegal behavior. For example, stealing is viewed as borrowing; vandalism is considered mischief that has gotten out of hand. Delinquents may find that their parents and friends support their denial of injury. They may claim that the behavior was merely a prank, helping affirm the offender's perception that delinquency can be socially acceptable.

### subterranean values

The ability of youthful law violators to repress social norms.

### drift

Idea that youths move in and out of delinquency and that their lifestyles can embrace both conventional and deviant values.

### neutralization techniques

A set of attitudes or beliefs that allow would-be delinquents to negate any moral apprehension they may have about committing crime so that they may freely engage in antisocial behavior without regret.

- *Deny the victim.* Delinquents sometimes neutralize wrongdoing by maintaining that the victim of crime “had it coming.” Vandalism may be directed against a disliked teacher or neighbor, or a gang may beat up homosexuals because their behavior is considered offensive. Denying the victim may also take the form of ignoring the rights of an absent or unknown victim: for example, stealing from the unseen owner of a department store. It becomes morally acceptable for the criminal to commit such crimes as vandalism when the victims cannot sympathize with or be respected because of their absence.
- *Condemn the condemners.* An offender views the world as a corrupt place with a dog-eat-dog code. Because police and judges are on the take, teachers show favoritism, and parents take out their frustrations on their kids, it is ironic and unfair for these authorities to condemn anyone’s misconduct. By shifting the blame to others, delinquents repress the feeling that their own acts are wrong.
- *Appeal to higher loyalties.* Novice delinquents often argue that they are caught in the dilemma of being loyal to their own peer group while attempting to abide by the rules of the larger society. The needs of the group take precedence over the rules of society because the demands of the former are immediate and localized.

In sum, the theory of neutralization presupposes a condition that allows people to neutralize unconventional norms and values by using such slogans as “I didn’t mean to do it,” “I didn’t really hurt anybody,” “They had it coming to them,” “Everybody’s picking on me,” and “I didn’t do it for myself.” These excuses allow kids to drift into delinquent modes of behavior.

**Variations on Neutralization Theory** Neutralization theory has been used to explain different behaviors and may be used in different ways than first conceived. Volkan Topalli argues that the theory may have to be revised because it ignores the influential street culture that exists in highly disadvantaged neighborhoods. Kids living in disorganized, gang-ridden neighborhoods disrespect authority and admire antisocial behavior, including substance abuse and violence. These adolescents place their own needs above those of all others. There is no need for them to neutralize conventional values to engage in delinquency since they are already “guilt free.” Similarly, there is no need for them to “drift into delinquency” because their allegiance to nonconventional values and lack of guilt perpetually leave them in a state of openness to delinquency. Rather than being contrite or ashamed if they commit crimes, they take great pride in their criminal activities and abilities.<sup>217</sup>

Suppose teens engaging in deviant behavior use neutralizations to reduce the moral burdens accompanying antisocial behaviors. What about kids who engage in positive conventional behaviors and fall above the norm or those who are too good to be true? You probably know some of those people: the ones who answer every question in class; the ones who refuse to engage in underage drinking and partying; the kids to whom your parents make comparisons (“Why can’t you be like David, he is so polite and well mannered?”). How do these overachievers deal with the potential fallout from being considered nerds and brownnosers?

**Testing Neutralization Theory** Attempts have been made to verify the assumptions of neutralization theory empirically.<sup>218</sup> Several studies have found that kids do, in fact, neutralize before engaging in a wide range of deviant behavior, ranging from committing crimes to cheating on tests.<sup>219</sup> Neutralizations tend to be used for some crimes more than others and by some offenders more than others.

One area of research has focused on determining whether there really is a need for law violators to neutralize moral constraints. The thinking behind this research is this:



if delinquents hold values *in opposition* to accepted social norms, then there is no need to neutralize. So far, the evidence is mixed. Some studies show that law violators approve of criminal behavior, such as theft and violence. Still, others find evidence that although they may be active participants, delinquents voice disapproval of illegal behavior.<sup>220</sup>

## Social Control Theory

**LO10** Give examples of the elements of social control theory

Social control theories maintain that all people have the potential to violate the law and that modern society presents many opportunities for illegal activity. Criminal activities, such as drug abuse and car theft, are often exciting pastimes that hold the promise of immediate reward and gratification.

Considering the attractions of delinquency, the question control theorists pose is, why do people obey the rules of society? A choice theorist would respond that it is the fear of punishment, and structural theorists would say that obedience comes from having access to legitimate opportunities. Learning theorists would explain that obedience is acquired through contact with law-abiding parents and peers. In contrast, social control theorists argue that people obey the law because internal and external forces control behavior and passions. Because they have been properly socialized, most people have developed a strong moral sense, which renders them incapable of hurting others and violating social norms.<sup>221</sup> Properly socialized people believe that getting caught in criminal activity will hurt a dearly loved parent or jeopardize their college scholarship chances. Or perhaps they feel they will forfeit their job if they get in trouble with the law. In other words, people's behavior, including criminal activity, is controlled by their attachment and commitment to conventional institutions, individuals, and processes. On the other hand, those who have not been properly socialized, who lack a commitment to others or themselves, are free to violate the law and engage in deviant behavior. The threat of legal punishments does not deter those who are uncommitted because they have little to lose.<sup>222</sup>

## Self-Concept and Delinquency

Early versions of control theory speculated that control was a product of social interactions. Maladaptive social relations produced weak self-concept and poor self-esteem, rendering kids at risk of delinquency. In contrast, youths who felt good about themselves and maintained a positive attitude could resist the temptations of the streets. As early as 1951, sociologist Albert Reiss described how delinquents had weak egos.<sup>223</sup> Scott Briar and Irving Piliavin noted that youths who believe criminal activity will damage their self-image and relationships with others will be most likely to conform to social rules; they are committed to conformity. In contrast, those less concerned about their social standing are free to violate the law.<sup>224</sup> In his *containment theory*, pioneering control theorist Walter Reckless argued that a strong self-image protects youth from the pressures and pulls of environmental criminogenic influences.<sup>225</sup> In a series of studies conducted within the school setting, Reckless and his colleagues found that nondelinquent youths can maintain a positive self-image in the face of environmental pressures toward delinquency.<sup>226</sup>

While these early works are valuable, Travis Hirschi's vision of social control, articulated in his highly influential 1969 book *Causes of Delinquency*, is now the dominant version of the theory.<sup>227</sup>

## Hirschi's Social Bond Theory

In his insightful work, Hirschi links the onset of delinquency to the weakening of the ties that bind people to society. All kids are potential law violators, but they are controlled by their relationships with friends, parents, neighbors, teachers, and employers. Without these social ties or bonds and sensitivity to and interest in others, they would be free to commit criminal acts. Hirschi does not view society as containing

competing subcultures with unique value systems. Most people are aware of the prevailing moral and legal code. He suggests, however, that in all elements of society, people vary in how they respond to conventional social rules and values. Among all ethnic, religious, racial, and social groups, people whose bond to society is weak may fall prey to criminogenic behavior patterns.

### social bond

Ties a person to the institutions and processes of society; elements of the bond include attachment, commitment, involvement, and belief.

**Elements of the Social Bond** Hirschi argues that a person's **social bond** with society is divided into four main elements: attachment, commitment, involvement, and belief.

- *Attachment.* Attachment refers to a person's sensitivity to and interest in others.<sup>228</sup> Psychologists believe that without a sense of attachment, a person becomes a psychopath and loses the ability to relate coherently to the world. Accepting social norms and developing a social conscience depend on attachment to and caring for other human beings. Attachment to parents is the most important. Even if a family is shattered by divorce or separation, a child must retain a strong attachment to one or both parents.<sup>229</sup> Without this attachment, it is unlikely that feelings of respect for others in authority will develop.
- *Commitment.* Commitment involves the time, energy, and effort expended in conventional lines of action, such as getting an education and saving money for the future. If people build a strong commitment to conventional society, they will be less likely to engage in acts that will jeopardize their hard-won position. A lack of commitment to conventional values may foreshadow a condition in which risk-taking behavior, such as delinquency, becomes a reasonable behavior alternative. The association may be reciprocal. Kids who drink and engage in deviant behavior are more likely to fail in school; kids who fail in school are more likely to drink later and engage in deviant behavior.<sup>230</sup>
- *Involvement.* Heavy involvement in conventional activities leaves little time or opportunity for illegal behavior. Kids' involvement in school, recreation, and family insulates them from the potential lure of delinquent behavior, whereas idleness enhances misbehavior.<sup>231</sup>
- *Belief.* People who live in the same social setting often share common moral beliefs; they may adhere to such values as sharing, sensitivity to the rights of others, and admiration for the legal code. If these beliefs are absent or weakened, adolescents are more likely to participate in antisocial or illegal acts.

Hirschi further suggests that the interrelationship of social bond elements controls subsequent behavior. Kids who feel kinship and sensitivity to parents and friends should be more likely to adopt and work toward legitimate goals. Those who reject social relationships are more likely to lack commitment to conventional goals. Similarly, youths who are highly committed to conventional acts and beliefs are more likely to be involved in conventional activities. The Evidence-Based Juvenile Justice feature looks at a program to help kids build bonds with schools and parents.

**Testing Social Bond Theory** One of Hirschi's most significant contributions was his attempt to test the principal hypotheses of social bond theory. He administered a detailed self-report survey to a sample of more than 4,000 junior and senior high school students in Contra Costa County, California.<sup>232</sup> In a detailed data analysis, Hirschi found considerable evidence to support the control theory model. Among Hirschi's more important findings are the following:

- Youths strongly attached to their parents were less likely to commit criminal acts.
- Commitment to conventional values, such as striving to get a good education and refusing to drink alcohol and "cruise around," was indicative of conventional behavior.

- Youths involved in conventional activities, such as homework, were less likely to engage in criminal behavior.
- Youths involved in unconventional behavior, such as smoking and drinking, were more delinquency prone.
- Youths who maintained weak and distant relationships with people tended toward delinquency.
- Those who shunned unconventional acts were attached to their peers.
- Delinquents and nondelinquents shared similar beliefs about society.

In addition to Hirschi's own testing, the social bond theory has been corroborated by numerous research studies conducted in the United States and different countries and cultures.<sup>233</sup> The research indicates that, as Hirschi predicts, kids attached to their families, friends, and school are less likely to get involved in a deviant peer group and consequently less likely to engage in criminal activities.<sup>234</sup> Kids who feel attached to their parents, especially if they are authoritative and respected, are the ones less likely to engage in antisocial behaviors.<sup>235</sup> Attachment to education is equally important. Youths detached from the educational experience are at risk of criminality; those committed to school are less likely to engage in delinquent acts.<sup>236</sup> Detachment and alienation from school may be even more predictive of delinquency than school failure and/or educational underachievement.<sup>237</sup>

Attachment is not the only element of the social bond related to the onset of delinquency. As predicted by Hirschi, researchers have found that kids committed to school and educational achievement are less likely to become involved in delinquent behaviors than those without such commitment.<sup>238</sup> Similarly, youths involved in conventional leisure activities, such as supervised social activities and noncompetitive sports, are less likely to engage in delinquency than those involved in unconventional leisure activities and unsupervised, peer-oriented social pursuits.<sup>239</sup> Likewise, children who are involved in religious activities and hold conventional religious beliefs are less likely to become involved in substance abuse.<sup>240</sup>

Cross-national surveys have also supported the general findings of Hirschi's control theory, finding that the social bond influences delinquency in other countries and cultures.<sup>241</sup>

The elements of the social bond seem to be both interrelated and cumulative—kids who feel detached are more likely to be uncommitted, and those who are uninvolved are also more likely to lack belief in conventional values. Kids who suffer more than one tear in their social bond are more likely to engage in antisocial activities than adolescents who maintain some elements of their bond to society. People who feel kinship and sensitivity to parents and friends should be more likely to adopt and work toward legitimate goals or gain skills that help them avoid antisocial or dangerous behaviors. Girls, for example, who have higher levels of bonding with parents and develop good social skills in adolescence are less likely to experience dating violence than young adults. The reason: a close bond with parents reduces early adolescent alcohol use, a factor that shields girls from victimization.<sup>242</sup>

**Critiquing Social Bond Theory** Hirschi's view of delinquency is considered one of the most important theoretical contributions of the twentieth century. Nonetheless, questions are still raised about some of its elements. For example, there is still uncertainty about Hirschi's contention that delinquents are detached loners whose bond with their family and friends has been broken. Several research efforts have shown that, contrary to Hirschi, delinquents maintain relationships with their peers and their friendship patterns seem quite similar to conventional youth.<sup>243</sup> Hirschi would counter that what appears to be a close friendship is really a relationship of convenience and that "birds of a feather flock together" only when it suits their criminal activities. His view is supported by recent research conducted by criminologists Lisa Stolzenberg and Stewart D'Alessio. They found that, more

often than not, individuals acting alone commit juvenile offenses and that group offending, when it does occur, is incidental and of little importance to explaining the onset of delinquency.<sup>244</sup>

One of the most important elements in Hirschi's theory is that involvement in conventional activities such as sports should reduce the opportunity for delinquency. However, research now shows that kids involved in activities outside the home without parental supervision actually engage in more delinquent activity than their uninvolved peers.<sup>245</sup> How is this possible? Did Hirschi get it wrong? Not really. Kids who spend a lot of time hanging out with their friends, unsupervised by parents and/or other authority figures, are, in fact, the ones most likely to get involved in antisocial acts such as drinking and taking drugs.<sup>246</sup> This outcome is especially true of kids who date a lot and own or have access to cars.<sup>247</sup> So, some involvements may help kids, while those unsupervised with friends may hurt them.

Finally, social bond theory projects that a weakened bond leads to delinquency. Still, the chain of events may flow in the opposite direction: kids who break the law find their bond with parents, schools, and society eventually becomes weak and attenuated.<sup>248</sup>

Although these criticisms need to be addressed with further research, the weight of existing empirical evidence supports control theory and it has emerged as one of the preeminent theories in criminology. For many delinquency experts, it is perhaps the most important way of understanding the onset of youthful misbehavior. Concept Summary 4.1 sets out the theories discussed in this chapter.

## Social Theory and Delinquency Prevention

The history of preventing juvenile delinquency in the United States is closely tied to the belief that a young person's social life and socialization directly cause delinquency. For instance, one of the earliest juvenile delinquency prevention programs, the Chicago Area Project, started in 1933 by Clifford Shaw and Henry McKay.<sup>249</sup> This project was designed to produce social change in communities that suffered from high delinquency rates and gang activity. As part of the project, qualified local leaders coordinated social service centers that promoted community solidarity and counteracted social disorganization. More than 20 programs were developed, featuring discussion groups, counseling services, hobby groups, school-related activities, and recreation. There is still some question about whether these programs positively influenced the delinquency rate. Some evaluations indicated positive results, but others showed that the Chicago Area Project efforts did little to reduce juvenile delinquency.<sup>250</sup>

Another well-known delinquency prevention program implemented around the same time as the Chicago project was the Cambridge-Somerville (Massachusetts) Youth Study.<sup>251</sup> Before the start of the program, 650 boys (325 matched pairs) were assigned to either receive the program (the **experimental group**) or not receive the program (the **control group**). The experimental group of boys received regular friendly attention from counselors for an average of five years and whatever medical and educational services they needed. The counselors talked to the boys, took them on trips and to recreational activities, tutored them in reading and arithmetic, played games with them at the project's center, encouraged them to attend church, and visited their families to give advice and general support. The program was to have continued for 10 years, but when America became involved in World War II, many adult counselors were drafted.<sup>252</sup> An evaluation of the program 30 years after it ended, when the men were an average age of 45, found that those in the experimental group committed more crimes than those in the control group.<sup>253</sup> One possible reason for this negative result was that one element of the program was carried out in groups instead of one on one. This was a summer camp that many of the boys attended, and for some over multiple years. The group format was thought to have resulted in minor delinquents being influenced by more involved or serious delinquents, resulting in peer contagion.<sup>254</sup>



## Exhibit 4.2

### Theories of Structure, Process, Culture

| Theory                                    | Major Premise  | Strengths  | Research Focus   |
|---|--|--|--|
| <b>Social Disorganization Theories</b>    |  |  |  |
| Shaw and McKay's concentric zones theory  | Delinquency is a product of transitional neighborhoods that display social disorganization and value conflict.                             | Identifies why delinquency rates are highest in lower-class areas. Points out the factors that produce delinquency. Suggests programs to help reduce delinquency.  | Poverty; disorganization   |
| Social ecology theory                     | The conflicts and problems of urban social life and communities (including fear, unemployment, deterioration) influence delinquency rates. | Accounts for urban delinquency rates and trends.   | Social control; fear; collective efficacy; unemployment  |
| <b>Cultural Deviance Theories</b>         |  |  |  |
| Miller's focal concerns theory            | Citizens who obey the street rules of lower-class life (focal concerns) find themselves in conflict with the dominant culture.             | Identifies the core values of lower-class culture and shows their association to delinquency.  | Cultural norms; focal concerns   |
| Cohen's theory of delinquent subculture   | Status frustration of lower-class boys, created by their failure to achieve middle-class success, causes them to join gangs.               | Shows how the conditions of lower-class life produce delinquency. Explains violence and destructive acts. Identifies conflict of lower class with middle class.  | Gangs; culture conflict; middle-class measuring rods; reaction formation                       |
| Cloward and Ohlin's theory of opportunity | Blockage of conventional opportunities causes lower-class youths to join criminal, conflict, or retreatist gangs.                          | Shows that even illegal opportunities are structured in society. Indicates why kids become involved in a particular type of delinquent activity. Presents a way of preventing delinquency.                               | Gangs; cultural norms; culture conflict; effects of blocked opportunity                        |
| <b>Social Learning Theories</b>           |  |  |  |
| Differential association theory           | People learn to commit delinquency from exposure to antisocial definitions.  | Explains onset of criminality. Explains the presence of delinquency in all elements of social structure. Explains why some people in high-delinquency areas refrain from criminality. Can apply to adults and juveniles. | Measuring definitions toward delinquency; influence of deviant peers and parents               |
| Neutralization theory                     | Youths learn ways of neutralizing moral restraints and periodically drift in and out of delinquent behavior patterns.                      | Explains why many delinquents do not become adult criminals. Explains why youthful law violators can participate in conventional behavior.   | Whether kids who use neutralizations commit more delinquency; beliefs, values, and delinquency |
| <b>Social Control Theory</b>              |  |  |  |
| Hirschi's social bond theory              | A person's bond to society prevents them from violating social rules. If the bond weakens, the person is free to commit delinquency.       | Explains the onset of delinquency. Can apply to both middle- and lower-class delinquency. Explains its theoretical constructs adequately so they can be measured. Has been empirically tested.                           | The associations among commitment, attachment, involvement, belief, and delinquency            |

In the 1950s, a major focus of delinquency prevention programs was to reach out to youths who were unlikely to use community centers. Instead of having troubled youths come to them, detached street workers were sent into inner-city neighborhoods, creating close relationships with juvenile gangs and groups in their own milieu.<sup>255</sup> The best-known detached street worker program was Boston's Mid-City Project, which dispatched trained social workers to seek out and meet with youth gangs three to four times a week on the gangs' own turf. Their goal was to modify the organization of the gang and allow gang members a chance to engage in more conventional behaviors. The detached street workers tried to help gang members get jobs and educational opportunities. They acted as go-betweens for gang members with agents of the power structure—lawyers, judges, parole officers, and the like. Despite these efforts, an evaluation of the program by Walter Miller failed to show that it resulted in a significant reduction in criminal activity.<sup>256</sup>

## The New Frontier Programs

The 1960s ushered in tremendous interest in preventing delinquency. Much of this interest was in programs based on social structure theory. This approach seemed

# Treating Delinquency

## Families and Schools Together (FAST)

Families and Schools Together (FAST) is a multifamily group intervention program designed to build protective factors for children, empower parents to be the primary prevention agents for their own children, and build supportive parent-to-parent groups. The overall goal of the FAST program is to intervene early to help at-risk youth succeed in the community, at home, and in school and thus avoid problems such as adolescent delinquency, violence, addiction, and dropping out of school. The FAST program achieves its goals by respecting and supporting parents and using the existing strengths of families, schools, and communities in creative partnerships. The program is geared toward at-risk children ages 4 to 12 and their families.

### Program Theory

Developed more than 25 years ago, FAST has been implemented in more than 800 schools in 45 states and five countries. It is based on several disciplines, including the social ecology of child development, child psychiatry, family stress, family systems, social support, family therapy, parent-led play therapy, group work, adult education, and community development. FAST offers youth structured opportunities for involvement in repeated relationship-building interactions with

the primary caretaking parent, other family members, peers, school representatives, and community representatives.

The program begins when a teacher or other school professional identifies a child with problem behaviors at risk for serious future academic and social problems. The professional refers the family for participation in the program, and trained recruiters—often FAST graduates—visit the parents at home to discuss the school's concerns and invite them to participate. The family then gathers with 8 to 12 other families for eight weekly meetings, usually held in the school. The meetings, which typically last two and a half hours, include planned opening and closing routines, a family meal, structured family activities and communications, parent mutual-support time, and parent-child play therapy. These group activities support parents to help teach their children to connect to the cultures of work and school. Families participate in a graduation ceremony at the end of eight weeks and then continue to participate in monthly follow-up meetings run by the families for two years.

At the local level, FAST is run by trained four- to eight-person FAST teams comprising parents, teachers, other school representatives, and community-based professionals; at the middle school and high school levels, youth are also provided with leadership opportunities within the team. Each FAST team is representative of the population served—that is, consistent with the gender, ethnicity, and culture of the participating families.

quite compatible with the rehabilitative policies of the Kennedy (New Frontier) and Johnson (Great Society / War on Poverty) administrations. Delinquency prevention programs received a great deal of federal funding. The most ambitious was the New York City-based Mobilization for Youth (MOBY). Funded by more than \$50 million, MOBY attempted an integrated approach to community development. Based on Cloward and Ohlin's concept of providing opportunities for legitimate success, MOBY created employment opportunities in the community, coordinated social services, and sponsored social action groups such as tenants' committees, legal action services, and voter registration. But MOBY ended for lack of funding amid questions about its utility and use of funds.

Improving the socialization of lower-class youths to reduce their potential for future delinquency was also an important focus of other federally funded programs during the 1960s. Typically implemented in neighborhoods with high delinquency and crime rates, they are made up of a range of different types of interventions and usually involve an equally diverse group of community and government agencies that are concerned with the problem of juvenile delinquency, such as the YMCA/ YWCA, Boys and Girls Clubs of America, and social and health services. The CASA-START program and the Communities That Care (CTC) program rely on a systematic

Each FAST team includes:

- For the first FAST cycle, one parent partner whose child is currently in the school grade participating in FAST. For FAST programs that have completed one or more FAST cycles, two to three FAST graduate parents.
- One school partner, ideally a school teacher for the targeted student population.
- Two community partners who are knowledgeable about local community resources, often with expertise in substance abuse prevention or mental health and emotional well-being.
- One recreation coordinator who organizes child or youth activities and exercises.
- At the middle school level, one youth advocate (a school employee) and one graduate youth partner (a high-school-aged youth) are part of the team.
- At the high school level, three youth partners are included.

Evaluations indicate that the program is quite successful. Among the findings of various projects:

- Compared to control students, FAST students have lower scores on an aggressive behavior scale and lower scores on the withdrawn scale.
- FAST students were rated higher on academic achievement than control students.

- FAST participants had significantly lower teacher-reported externalizing behavior than comparison participants.
- FAST students have significantly higher social skills than those in the comparison group.
- Two years after intervention, teachers rate FAST students significantly higher than comparison students on the Child Behavior Checklist (CBCL) academic scale.
- Compared to the control group, participants in the FAST group had significantly improved family adaptability.

### Critical Thinking

1. At what age do you feel intervention is most effective? Would a preschool program work better than one aimed at middle school and high school students?
2. Is there a danger that being placed in a program like FAST might stigmatize participants and increase rather than decrease the likelihood they will engage in antisocial behaviors. If they were well-adjusted kids, why would they need to be placed in a "program"?

SOURCES: Families and Schools Together, <https://www.familiesandschools.org/> (Accessed Jan 2022); Families And Schools Together (FAST), [youth.gov](https://youth.gov), 2022. Rashelle Musci, Catherine Bradshaw, Brion Maher, George Uhl, Sheppard Kellam, and Nicholas Ialongo, "Reducing Aggression and Impulsivity Through School-Based Prevention Programs: A Gene by Intervention Interaction," *Prevention Science* 15:831–840 (2014).

approach or comprehensive planning model to develop preventive interventions. This approach includes analyzing the delinquency problem, identifying available resources in the community, prioritizing the most important delinquency problems, and identifying successful programs in other communities and tailoring them to local conditions and needs.<sup>257</sup> Not all comprehensive community-based prevention programs follow this model, but the evidence suggests that this approach will produce the greatest reductions in juvenile delinquency.<sup>258</sup> One of the main drawbacks to this approach is the difficulty in sustaining the level of resources and the cooperation between agencies necessary to lower juvenile delinquency rates across a large geographical area such as a city.<sup>259</sup> As a result, treating delinquency is now conducted on a more modest level, aiming at specific needs such as daycare, discussed in the following section

## Daycare Programs

Daycare services are available to children as young as 6 weeks old in the United States and other Western countries.<sup>260</sup> In addition to allowing parents to return to work, daycare provides children with several benefits, including social interaction with other children and stimulation of their cognitive, sensory, and motor control skills. The effectiveness of early childhood intervention has been studied in two programs described here—one in Syracuse, New York, and one in Houston, Texas.

Among the best-known early childhood intervention programs that provide high-quality daycare services is the Syracuse University Family Development Research Program. This program involved high-risk women during the later stages of their pregnancies. After the women gave birth, paraprofessionals were assigned to work with them, encouraging sound parent–child relationships, providing nutrition information, and helping them establish relationships with social service agencies. In addition, the children received free full-time daycare, designed to develop their intellectual abilities, up to age 5. A 10-year follow-up compared children involved in the program with a control group and found that those who received the intervention were less likely to be referred to the juvenile court for delinquency offenses, more likely to express positive feelings about themselves, and able to take a more active role in dealing with personal problems. Girls seemed to benefit, doing better in school; parents were more likely to express prosocial attitudes.<sup>261</sup>

Another high-quality daycare program was that of the Houston Parent-Child Development Center. Like the Syracuse University program, mothers and their children received services. In the program's first year, the mothers received home visits from social service professionals to inform them about child development and parenting skills and to help them develop prosocial bonds with their children. In the program's second year, the mothers and their children attended a child development center four mornings a week. Here, children were provided with daycare services to foster cognitive skills and encourage positive interactions with other children. Mothers participated in classes on family communication and child management. Eight years after the program ended, children who received the program were less involved in fighting and other delinquent activities when compared to a control group.<sup>262</sup>

The success of these programs rests in targeting important individual- and family-level risk factors for delinquency, such as low intelligence, impulsiveness, and inconsistent and poor parenting. Social scientists point to a package of child- and parent-centered interventions targeted at multiple risk factors as a core ingredient of successful delinquency prevention programs.<sup>263</sup>



# Summary

## **LO1 Explain the association between social factors and delinquency**

- Crime and delinquency rates are highest in deteriorated inner-city areas.
- Kids living in poor neighborhoods are exposed to a constant stream of antisocial behaviors.
- Political unrest and mistrust, economic stress, and family disintegration are social changes that have been found to precede sharp increases in delinquency rates.
- Millions of people have scant, if any, resources and suffer socially and economically.
- The consequences of racial disparity take a toll on youth. The poverty rate among minority groups is still significantly higher than that of Whites.

## **LO2 Summarize the association between social structure and delinquency**

- People in the United States live in a stratified society.
- Social classes are segments of the population whose members share a relatively similar portion of desirable things and share attitudes, values, norms, and an identifiable lifestyle.
- Those living in poverty are forced to live in neighborhoods that experience inadequate housing and health care, disrupted family lives, underemployment, and despair.
- Children are hit especially hard by poverty, and being poor during early childhood may have a more severe impact on behavior than during adolescence and adulthood.
- Besides their increased chance of physical illness, poor children are much more likely than wealthy children to suffer various social and physical ills, ranging from low birth weight to a limited chance of earning a college degree.

## **LO3 Categorize the principles of social disorganization theory**

- Social disorganization theory focuses on the conditions within the urban environment that affect delinquency rates.
- Social disorganization theory ties delinquency rates to socioeconomic conditions.
- Long-term, unrelenting poverty undermines a community and its residents. Delinquency rates are sensitive to the destructive social forces operating in lower-class urban neighborhoods.

- Residents develop a sense of hopelessness and mistrust of conventional society. Residents of such areas are frustrated by their inability to become part of the American Dream.
- Poverty undermines the basic stabilizing forces of the community—family, school, peers, and neighbors—rendering them weakened, attenuated, and ineffective.
- The ability of the community to control its inhabitants—to assert informal social control—is damaged and frayed.

## **LO4 Express how social ecologists view the cause of delinquency**

- Social ecologists have found an association between delinquency rates and community deterioration: disorder, poverty, alienation, disassociation, and fear of delinquency.
- Poverty becomes “concentrated” in deteriorated areas. As working- and middle-class families flee, elements of the most disadvantaged population are consolidated within inner-city poverty areas.
- People feel safe in orderly neighborhoods and repair. In contrast, those living in neighborhoods that suffer social and physical incivilities are much more likely to be fearful. Put another way, disorder breeds fear.
- The presence of community incivilities, especially when accompanied by relatively high delinquency rates and gang activity, convinces older residents that their neighborhood is dangerous; becoming a crime victim seems inevitable.

## **LO5 Analyze the concept of anomie and how it impacts delinquent behavior**

- French sociologist Émile Durkheim coined the term “anomie” to describe a society where rules of behavior have broken down during periods of rapid social change or social crisis.
- In his theory of anomie, Robert Merton used a modified version of the concept of anomie to fit social, economic, and cultural conditions found in modern U.S. society.
- According to anomie theory, social inequality leads to perceptions of anomie.

## **LO6 Articulate the core concepts of General Strain Theory**

- General Strain Theory suggests that while most people share similar values and goals, the ability to achieve these personal goals is stratified by socioeconomic class.

- Sociologist Robert Agnew's General Strain Theory helps identify the micro-level, or individual, influences of strain. Agnew's theory explains why individuals who feel stress and strain are more likely to engage in delinquent acts.
- Agnew suggests that delinquency is the direct result of negative affective states—the anger, frustration, and adverse emotions that kids feel in the wake of negative and destructive social relationships.

#### **LO7 Define the term *cultural deviance* and analyze theories of cultural deviance**

- Because their lifestyle is draining, frustrating, and dispiriting, members of the lower class create an independent subculture with its own set of rules and values.
- Walter Miller identified the unique value system that defines lower-class culture. Conformance to these focal concerns dominates life within the lower class.
- Because social conditions make them incapable of achieving success legitimately, lower-class youths experience a form of culture conflict.
- Youth gangs are an important part of the delinquent subculture. Although not all illegal acts are committed by gang youth, they are the source of the most serious, sustained, and costly delinquent behaviors.
- Delinquent gangs spring up in disorganized areas where youths lack the opportunity to gain success through conventional means.

#### **LO8 Describe the concept of social process and socialization**

- According to the social process view, how you were raised (i.e., socialized) is more important than where you live.
- Delinquency is a function of socialization, the interactions people have with various organizations, institutions, and processes of society.
- Most kids are influenced by their family relationships, peer group associations, educational experiences, and interactions with authority figures, including teachers, employers, and justice system agents.

- If these relationships are positive and supportive, kids can succeed within the rules of society; if these relationships are dysfunctional and destructive, conventional success may be impossible, and delinquent solutions may become a feasible alternative.

#### **LO9 Paraphrase what the concept of social learning and social learning theories address**

- Social learning theories suggest that delinquent behavior is learned in a process similar to learning any other human behavior.
- One of the most prominent social learning theories is Edwin H. Sutherland's differential association theory. This theory asserts that criminal behavior is learned primarily within interpersonal groups and that youths will become delinquent if definitions favorable to violating the law exceed those favorable to obeying that group.
- A delinquent career develops if learned antisocial values and behaviors are not at least matched or exceeded by conventional attitudes and behaviors.

#### **LO10 Give examples of the elements of social control theory**

- Social control theories maintain that all people have the potential to violate the law and that modern society presents many opportunities for illegal activity.
- Social control theorists argue that people obey the law because internal and external forces control behavior and passions.
- Travis Hirschi links the onset of delinquency to the weakening of the ties that bind people to society.
- Hirschi argues that a person's social bond with society is divided into four main elements: attachment, commitment, involvement, and belief.
- Youths who are strongly attached to their parents are less likely to commit criminal acts.
- Youths involved in conventional activities, such as homework, are less likely to engage in criminal behavior.
- Youths who maintain weak and distant relationships with people tend toward delinquency.

## **Key Terms**

stratified society, p. 135  
 culture of poverty, p. 135  
 underclass, p. 135  
 social structure theories, p. 137  
 enculturated, p. 137

social disorganization theory, p. 137  
 strain theory, p. 137  
 cultural deviance theory, p. 137  
 cultural transmission, p. 138  
 social control, p. 138

transitional neighborhood, p. 138  
 social ecologists, p. 139  
 siege mentality, p. 141  
 collective efficacy, p. 142  
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anomie, p. 144  
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negative affective states, p. 147  
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differential association theory, p. 157

subterranean values, p. 159  
drift, p. 159  
neutralization techniques, p. 159  
social bond, p. 162

## Questions for Discussion

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1. Is there a transitional neighborhood in your town or city, and if so, is it in decline or being gentrified?
2. Is it possible that a distinct lower-class culture exists in the internet and social media age? How can lower-class values differ from those of the middle class when social media blankets all classes equally?
3. Have you ever perceived strain anomie? What causes anomie? Is there more than one cause of strain?
4. How does poverty cause delinquency?
5. Do upper-class youths become delinquent for the same reasons as lower-class youths? Are rich kids just as likely to feel strain as the less affluent because more is expected from them by parents, peers, teachers, and so on?

## Viewpoint

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You have just been appointed a presidential adviser on urban problems. The president informs you that she wants to initiate a demonstration project in a major city aimed at showing that government can do something to reduce poverty, crime, and drug abuse. The area she has chosen for development is a large inner-city neighborhood with more than 100,000 residents. The neighborhood suffers from disorganized community structure, poverty, and hopelessness. Predatory delinquent gangs run free and terrorize local merchants and citizens. The school system has failed to provide opportunities and educational experiences to dampen gang recruitment enthusiasm. Stores, homes, and public buildings are deteriorated and decayed. Commercial enterprise has fled the area, and civil servants are reluctant to enter the neighborhood. An uneasy truce among the various ethnic and racial groups populate the area. Residents feel that little can be done to bring the neighborhood back to life.

You are faced with suggesting an urban redevelopment program that can revitalize the area and eventually lower the crime rate. You can bring any element of the public and private sector to bear on this rather overwhelming problem—including the military! You can also ask private industry to help in the struggle, promising them tax breaks for their participation.

- Do you believe that living in such an area contributes to high delinquency rates? Or is poverty merely an excuse and delinquency a matter of personal choice?
- What programs do you feel could break the cycle of urban poverty?
- Would reducing the poverty rate produce a lowered delinquency rate?
- What role does the family play in creating delinquent behaviors?

## Doing Research on the Web

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The National Center for Children in Poverty (<http://www.nccp.org/>) has a great deal of information that can help formulate an answer to these questions. CARE (<http://www.care.org/>) is a leading humanitarian organization fighting global poverty. Its site also has a lot of useful information on child poverty. The Children's Defense Fund (<http://www.childrensdefense.org/>)

is also active in drawing attention to the effects of child poverty. The association between poverty, community deterioration, and crime was the subject of a famous *Atlantic* magazine article titled "Broken Windows" <http://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>.

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# 5

# Social Reaction, Social Conflict, and Delinquency

## Learning Objectives

- 1 Explain the concept of symbolic interaction and the role symbols play in defining reality
- 2 Analyze how deviance is interpreted
- 3 Compare the terms *primary deviant* and *secondary deviant*
- 4 Identify and discuss the four quadrants of Becker's table of deviance and reaction
- 5 Summarize the unequal application of delinquent labels
- 6 Demonstrate the long-term effects of labels
- 7 Explain the strengths of the social reaction perspective
- 8 Apply the core elements of social conflict theory
- 9 Define the basic principles of Critical Race Theory
- 10 Illustrate how restoration can reduce delinquent behaviors

## Chapter Outline

### Social Reaction Theory

The Concept of Symbolic Interaction  
Interpreting Deviance  
Important Labeling Concepts  
Reshaping Identity  
Becoming Labeled  
Differential Labeling  
The Consequences of Labeling  
Labeling and Future Success  
Is Labeling Theory Valid?  
Social Reaction Theory and Social Policy

### Social Conflict Theory

Law and Justice  
Critical Race Theory  
Critical Feminist Theory  
Conflict Theory and Delinquency  
Globalization, Economy, and Delinquency in Contemporary Society

### Social Policy and Conflict Theory: Restorative Justice

The Process of Restoration  
Restoration Programs

## Chapter Features

**International Delinquency:** Recruiting Young Terrorists

**Treating Delinquency:** Family Group Conferencing (FGC): The New Zealand Model

**Focus on Delinquency:** Mentoring Effectiveness

**Jadyn Simmons**, the youngest of six children, was living with his family in an impoverished community when he entered the juvenile justice system. Growing up in a tough urban neighborhood took an early toll on Jadyn and his family. Around age 11, his problems became more evident at home and school. He was absent without reason regularly, often stayed out all night with friends, and was eventually arrested for shoplifting from a local store. After his arrest, Jadyn was voluntarily placed in foster care. His parents told the DSS (Department of Social Services) case worker assigned to the family that they had lost their primary jobs where they lived due to the COVID lockdown, and they were struggling to find permanent housing. They faced being homeless and could no longer effectively care for Jadyn. Family friends took a strong interest in Jadyn and offered to care for him until his parents could get back on his feet and meet his needs again; the DSS agreed to the arrangement. The family continued to contact Jadyn and hoped to have him return home when their situation improved.

A smart young man with many positive attributes, Jadyn was an engaging person and a talented athlete who excelled in school sports. Most adults could see great potential in him, but Jadyn's illegal activity continued despite his arrest. His foster parents became increasingly concerned that they could not provide the care and treatment Jadyn needed. In a short time, Jadyn was arrested on two more violations for disorderly conduct and battery while becoming involved in fights at school. He was at risk of being placed in a more secure living environment. Still, after going through juvenile court for his delinquent behavior, he was allowed to remain with his foster family. However, he was placed on juvenile probation and required to do community service and attend counseling sessions.

Because Jadyn's parents had struggled with finances while caring for six children, Jadyn had been afforded a great deal of personal freedom regarding his involvement with the juvenile justice system. He could do what he wanted, often staying in different places with different people. Jadyn now struggled with the rules and expectations. He missed some of his




initial appointments with his probation officer and was negligent with meeting the terms of his placement, including showing up to do community service. When he finally met with the probation officer Jadyn seemed impaired and non-responsive.

Jadyn's probation officer, DSS caseworker, family, and foster parents encouraged him to follow the court-ordered recommendations and understand the consequences of his behavior. He developed a very strong relationship with his foster parents, who were direct and honest with Jadyn about their concerns, often confronting him and contacting his coach, social workers, and parents about his behavior. The Substitute Care Unit, run by the DSS, provided valuable support to Jadyn, his family, and foster parents during these difficult times, making home and school visits, trying to help maintain his placement in the foster home, and encouraging him to make good decisions. The team of professionals, coaches, and parents remained in close contact regarding Jadyn's behavior and academic progress. This level of parental involvement and teamwork greatly impacted Jadyn and helped him realize that he was accountable for his choices. He began to see his potential and the need to change his life.

Accountability was a key ingredient to Jadyn's success. As part of his probation order, he began attending a counseling group with 10 teenagers involved with the law. The sessions included volunteers from the community, store security personnel, and a program leader. With fellow group members, Jadyn felt comfortable sharing why he had gotten





involved in fights; theft and other illegal acts; the impact of his behavior on friends, family, and victims; and how he could make better choices. The group participants and family members also met with a group facilitator to discuss the juvenile court process and what parents could expect if their children have further delinquencies, providing valuable information and a forum to ask questions and learn about other resources. During this process, Jadyn realized he had to make an effort to complete his required period of community service. He worked with the county's Youth Restitution Program and was assigned a counselor who would help him locate volunteer opportunities and verify his participation.

Jadyn's involvement with various programs and the many caring adults in his life made a significant difference for him. He continued to excel in sports and began to work harder in school. Although Jadyn never returned to his parental home, with his foster parents' support, he remained in close contact with his family, and they

regularly attended activities together. With a new vision for his life, Jadyn started thinking seriously about going to college. He successfully completed his court-ordered programs, stayed out of trouble, and eventually graduated from high school and received a full athletic scholarship to attend college.

Do you believe that Jadyn's story is a slice of reality or simply wishful thinking? Do you agree that stories like Jadyn's show that how adolescents are treated after they commit delinquent acts can have long-term consequences? Reactions can sometimes lock kids into a delinquent way of life. In others, such as Jadyn's experience, supportive people can help offenders turn their lives around in a more productive direction. Do you agree that explaining why someone gets involved in anti-social behavior may be less important than understanding what happens to them afterward? In your opinion, is the reaction to illegal behavior a critical element in the development of a delinquent and then criminal career, or are delinquents "born and not made"?

#### **social reaction theory (also called labeling theory)**

Posits that society creates deviance through a system of social control agencies that designate (or label) certain individuals as delinquent, thereby stigmatizing youths and encouraging them to accept this negative personal identity.

#### **social conflict theory (also called conflict theory)**

Asserts that society is in a state of constant internal conflict, and focuses on the role of social and governmental institutions as mechanisms for social control.

**T**his chapter discusses two views of delinquency—social reaction theory and social conflict theory. **Social reaction theory**, also commonly called labeling theory (the two terms are used interchangeably here), holds that the decision to label behavior as deviant or delinquent is subjective, based on the decision maker's attitudes, values, and morals. People are bad, evil, or delinquent only when they are viewed that way by others. Even such crimes as murder, rape, and assault are bad or evil only because people label them as such. The difference between forcible rape and a consensual sexual encounter often rests on what the members of a jury or judge believe and how they interpret the events that took place. It depends on your viewpoint and the view of those who are in a position to judge their acts.

**Social conflict theory** (also called, and referred to here as, critical theory) focuses on the role of decision makers but adds a political twist: the law serves the capitalist system. It aids the interests of the economically powerful. People are arrested, adjudicated, and punished based on their class membership rather than the seriousness of their crimes or whether they are considered a threat to the existing economic and social order.

While similar, there are differences between the two models: While social reaction theory focuses on the beliefs, attitudes, and moral values of those in power, social conflict theory is oriented more toward their economic and political interests. However, both theories agree that social and economic status is the ultimate determinant of how people are treated in American society. Why people commit a crime is less important than whether they are viewed as a dangerous outsider or an insider who lost their way. How they are viewed then determines whether they will get locked into a delinquent career that persists throughout life. These two views will be examined in detail below.



# Social Reaction Theory

Social reaction, or labeling, theory explains how sustained delinquent behavior stems from destructive social interactions and encounters. According to this view, illegal acts, including delinquent behaviors, are defined by the social audience's reaction and not the moral content of the illegal act itself.<sup>1</sup> Even very serious acts, such as rape and murder, are socially constructed. Though most people would agree that killing someone is wrong and evil, there are circumstances where taking a life is excused and considered not legally criminal: in self-defense; in time of war; if it is the product of a mental disease; if it is legally mandated (capital punishment); if it is the result of an accident. And there are gray areas that are subject to debate. Some people consider shooting someone who is trying to steal your car justified, whereas others consider it murder; some people are opposed to abortion and consider it a form of murder, whereas others fight to preserve its legality. Take, for instance, the case of Kyle Rittenhouse, the teen who fatally shot two men and wounded another during protests in Kenosha, Wisconsin. The unrest in Kenosha followed the non-fatal shooting of an African American man, Jacob Blake, by a white police officer. As you may recall, Rittenhouse was charged with two counts of homicide, one count of attempted homicide, two counts of reckless endangerment, one count of unlawful possession of a firearm, and one count of a curfew violation. At trial, Rittenhouse said he acted in self-defense when he was attacked by the victims while protecting a family friend's business. The jury believed his story and acquitted him of all charges.<sup>2</sup> Of course, the jury could have concluded that Rittenhouse was a vigilante or terrorist, who carried a lethal weapon because he was looking for trouble, and the shootings were unjustified and illegal. In this case, and other similar cases, what is labeled illegal and criminal is a matter of subjective interpretation.

## The Concept of Symbolic Interaction

According to the concept of **symbolic interaction**, people communicate via symbols—gestures, signs, words, or images—that stand for or represent something else.<sup>3</sup> Take, for instance, what you believe about a person wearing a gold ring on the fourth finger of their left hand. You know it is not a decoration but a symbol indicating they are married. The ring is not merely a piece of jewelry but a symbol of the wearer's status, telling you, among other things, about the person: they embrace a conventional lifestyle; have gone through a marriage ceremony; have a marriage license certified by the state. It may also represent that they are emotionally stable, prepared for the commitment, and off limits as a romantic partner. Wearing an expensive watch such as a Rolex symbolizes the owner's success, wealth, and confidence; the watch is referred to as a **status symbol**. Sometimes symbols take the form of a gesture; people shrug their shoulders, clench their fists, and shake their heads; if someone raises their middle finger at you, you know exactly what they mean!

As you can imagine, symbols are subjective. The person with the gold ring may be single but posing as being married to enhance their career chances. The Rolex might actually be a cheap knock-off, and the wearer is trying to fool the observer into believing they are successful. Similarly, body language is open to interpretation, so people may misread it; clenching one's fists may be a nervous reaction and not a sign of hostility.

People often interpret symbolic gestures from others and incorporate them into their self-image. When a teacher puts an A on your paper, it says that you are an excellent student, and the symbol pumps up your self-image. People also use symbols to let others know how well they are doing and whether they are liked or appreciated. People view reality depending on the content of the messages and situations they encounter, the subjective interpretation of these interactions, and how they shape future behavior. There is no such thing as objective reality. People interpret the reactions of others, and this interpretation assigns meaning. Because interpretation changes over time, so do the meanings of the concepts and symbols.

### LO1

Explain the concept of symbolic interaction and the role symbols play in defining reality

#### **symbolic interaction**

Holds that people communicate via symbols—gestures, signs, words, or images—that stand for or represent something else.

#### **status symbol**

Something, such as a possession, rank, or activity, by which one's social or economic prestige is measured.

## Interpreting Deviance

Because the definitions of crime and delinquency are purely subjective, they can change from place to place and year to year. Acts such as abortion, marijuana use, possession of a handgun, and gambling have been legal at some time in history and illegal at others. Driving at 31 miles an hour in some jurisdictions is illegal, while 70 is just fine in others!

Definitions of crime and delinquency may vary between legal jurisdictions, so what is outlawed in one state is perfectly legal in another. Take, for instance, the crime of rape, which often involves a great deal of interpretation. In some states, it is considered rape if, after the sex act begins, a man continues after his partner tells him to stop; in other states, the same act is considered legal and justified. Sometimes definitions change because of an incident that is shocking and controversial. In a famous 2016 case, a California judge gave Brock Turner, a former swimmer convicted of the rape of an unconscious woman, a six-month sentence. The sentencing leniency was due presumably because the judge did not believe that Turner—a tall, white, attractive college athlete—did not fit the label of a rapist. The public outcry was so widespread that the California legislature quickly passed bills toughening rape laws. One bill makes any sexual assault rape, including penetration with a foreign object. State law had previously defined rape more narrowly as nonconsensual sexual intercourse.<sup>4</sup>

States define the age limit for consent differently: in most states, the age of consent is 16; however, in several states, the age is 18. Consequently, what is defined as the crime of statutory rape in one state is legal in another.

Take, for instance, what happens when an adolescent is caught doing “something wrong” in a local park, gets arrested, and the case is covered on the local TV news. People interpret what is being said about the youth either by denial or acceptance. Some might defend them and say, “I know that kid, and he could never have done what they are saying.” Others who knew them may assign a

new meaning to the young person’s character: “I always knew they were hiding something”; “Stay away from them, they are trouble”; “The whole family are troublemakers” and so on. The target changes from someone who was previously well thought of to someone labeled as an outcast, an outsider who must be watched and avoided.

Two famous statements sum up this situation. In one, sociologist Kai Erickson argued, “Deviance is not a property inherent in certain forms of behavior, it is a property conferred upon those forms by the audience which directly or indirectly witnesses them.”<sup>5</sup> In another, sociologist Howard S. Becker stated,

Social groups create deviance by making rules whose infractions constitute deviance, and by applying those rules to particular people and labeling them as outsiders. From this point of view, deviance is not a quality of the act a person commits, but rather a consequence of the application by others of rules and sanctions to an “offender.” The deviant is one to whom the label has successfully been applied; deviant behavior is behavior that people so label.<sup>6</sup>

Becker refers to people who create rules as “moral entrepreneurs.” An example of a moral entrepreneur today might be members of an ultra-orthodox religious group who target the gay community and mount a campaign to prevent gays from adopting children.<sup>7</sup>

## Important Labeling Concepts

Social reaction theorists have derived several important concepts to understand the labeling process and its consequences better. These contributions are described in some detail in the following sections.



Jason Connolly/AFP/Getty Images

The concept of deviance is often fluid. What may be considered deviant at one time is normative at another. Here, people light up during the Denver 420 Rally, the world’s largest celebration of both the legalization of cannabis and cannabis culture. More than twenty states have legalized the use of marijuana and more than 35 allow it for medical reasons.

**Primary and Secondary Deviance** Edwin Lemert's concept of primary deviance and secondary deviance has become a standard view of the labeling process.<sup>8</sup> According to Lemert, **primary deviance** involves norm violations or crimes that have little influence on the actor and can be quickly forgotten. For example, a college student takes a "five-finger discount" at the campus bookstore. He successfully steals a textbook, uses it to get an A in a course, goes on to graduate, is admitted into law school, and later becomes a famous judge. Because his shoplifting goes unnoticed, it is a relatively unimportant event with little bearing on his future life.

In contrast, **secondary deviance** occurs when a deviant event comes to the attention of significant others or social control agents who apply a negative label. The newly labeled offender then reorganizes their behavior and personality around the consequences of the deviant act. The shoplifting student is caught by a security guard and expelled from college. With his law school dreams dashed and his future cloudy, his options are limited; people who know him say he "lacks character," and he begins to share their opinion. He eventually becomes a drug dealer and winds up in prison.

Secondary deviance involves resocialization into a deviant role. According to Lemert, the labeled person is transformed into one who "employs his behavior or a role based upon it as a means of defense, attack, or adjustment to the overt and covert problems created by the consequent social reaction to him."<sup>9</sup> Secondary deviance produces a deviance amplification effect. Offenders feel isolated from mainstream society and become firmly locked within their deviant role. They may seek others similarly labeled to form deviant subcultures or groups. Ever more firmly enmeshed in their deviant role, they are locked into an escalating cycle of deviance, apprehension, more powerful labels, and identity transformation. Lemert's concept of secondary deviance expresses the core of social reaction theory: Deviance is a process in which one's identity is transformed. Efforts to control the offenders, whether by treatment or punishment, simply help lock them in their deviant roles.

**The Secret Deviant and the Falsely Accused** In one of the most well-known social reaction concepts, Howard S. Becker recognized that four possible outcomes develop in the relationship between labeling and delinquent or other deviant behaviors.<sup>10</sup> (See Exhibit 5.1.)

Kids who engage in delinquency and get caught and labeled are called *pure deviants*; their opposite number, *conformists*, are rule-abiding and free of negative labels. Some kids are *falsely accused*, or blamed for something they did not do, while some who continually break rules avoid labeling; these are called *secret deviants*. Pure deviants are the kids most likely to repeat their antisocial activities, while conformists are the ones most likely to stay straight and never engage in antisocial behaviors. While this outcome is key to the validity of social reaction theory, what happens to the kids who fall in the other two categories is even more critical. If the labeling theory is valid, the falsely accused will more likely become secondary deviants (i.e., chronic offenders) than the secret deviants. While the latter may be more troubled, they are not affected by negative stigma because they have escaped the labeling process. And, if adolescents feel they have been falsely accused or unjustly profiled, they may then "condemn their condemners," believing that agents of the justice system,

### LO3

Compare the terms *primary deviant* and *secondary deviant*

#### primary deviance

Norm violations that have very little influence on the actor and can be quickly forgotten and/or overlooked.

#### secondary deviance

Deviant acts that define the actor and create a new identity.

### LO4

Identify and discuss the four quadrants of Becker's table of deviance and reaction

## Exhibit 5.1

### Becker's Fourfold Model of Labeling

|             | Delinquent     | Not Delinquent  |
|-------------|----------------|-----------------|
| Labeled     | Pure deviant   | Falsely accused |
| Not-Labeled | Secret deviant | Conformist      |

such as police, have lost legitimacy as agents of the law. This belief may lead them to increase rather than decrease their antisocial behaviors.<sup>11</sup>

And, according to social reaction theory, negative labels, even false ones, are the critical element that creates secondary deviance and results in a delinquent career. In other words, it is more damaging to be falsely accused than to be a secret deviant in the long run. This idea is one of the key concepts in labeling theory.

## Reshaping Identity

There are several important stages in the labeling process. One, referred to as **retrospective reading**, is an attempt to connect present behavior with past characteristics. After someone is labeled because of some unusual or inexplicable act, people begin to reconstruct the person's identity so that the act and the label are correlated. Neighbors say, "We always knew something was wrong with that boy!" It is not unusual for the media to lead the way and interview boyhood friends of a school shooter. The media will soon report that the suspect was withdrawn, suspicious, and negativistic as a youth, expressing violent thoughts and ideation on the web, a loner, troubled, and so on. Yet, until now, nothing was done to control his behavior, in fact his parents bought him a gun for his birthday. Once the label is bestowed, all the prior evidence suddenly makes sense: the mass murderer is described as a loner, moody, target of bullying, addicted to violent video games, and so on. By conducting a retrospective reading, we can now understand what prompted his current behavior; therefore, the label must be accurate.<sup>12</sup>

During this process, labels become the basis of personal identity. As the negative feedback from law enforcement agencies, parents, friends, teachers, and other figures amplifies the force of the original label, stigmatized offenders may begin to reevaluate their own identities. If they are not really evil or bad, they may ask themselves, why is everyone making such a fuss? Frank Tannenbaum, a social reaction theory pioneer, referred to this process as the **dramatization of evil**. Concerning the consequences of labeling delinquent behavior, Tannenbaum stated in his classic work *Crime and the Community*:

The process of making the criminal, therefore, is a process of tagging, defining, identifying, making conscious and self-conscious; it becomes a way of stimulating, suggesting, and evoking the very traits that are complained of. If the theory of relation of response to stimulus has any meaning, the entire process of dealing with the young delinquent is mischievous insofar as it identifies him to himself or to the environment as a delinquent person. The person becomes the thing he is described as being.<sup>13</sup>

Dramatization of evil helps create a **self-fulfilling prophecy**.<sup>14</sup> If children continually receive negative feedback from parents, teachers, and others whose opinions they take to heart, they will interpret this rejection as accurate. Their behavior will begin to conform to the negative expectations; they will become the person others perceive them to be ("Teachers already think I'm stupid, so why should I bother to study?"). The self-fulfilling prophecy leads to a damaged self-image and increased antisocial behaviors.<sup>15</sup> Research shows that adolescents who perceive labels from significant others also report more frequent delinquent involvement; perceptions of negative labels are significant predictors of serious delinquent behaviors.<sup>16</sup>

## Becoming Labeled

Social reaction theory picks up on interaction, self-fulfilling prophecy, retrospective reading, and interpretation concepts.<sup>17</sup> Throughout their lives, people receive a variety of symbolic labels, some positive ("she's a real go-getter"), others negative ("he is an accident waiting to happen"). People also get labels because of groups they belong to or their status, such as mental patient or special ed student.<sup>18</sup> These labels help define not just one trait but the whole person; they rob people of social opportunities.

### retrospective reading

An attempt to explain present misbehavior with behavior from the past.

### dramatization of evil

The process of social typing that transforms an offender's identity from a doer of evil to an evil person.

### self-fulfilling prophecy

Deviant behavior patterns that are a response to an earlier labeling experience; youths act out these social roles even if they were falsely bestowed.



Kids labeled “at risk” are also assumed to be dangerous, dishonest, unstable, violent, strange, and otherwise unsound. In contrast, an “honor student” is also assumed to be smart, honest, hardworking, and competent. Labels can improve self-image and social standing. Despite being in trouble with the law, Jady, the subject of the opening vignette, received strong support from significant others and many positive labels: smart; good athlete; lots of potential. These positive labels help steer him from delinquency into a more productive lifestyle.

Research shows that people labeled with one positive trait, such as being physically attractive, are assumed to maintain other traits, such as intelligence and competence.<sup>19</sup> In contrast, negative labels—dropout, mentally ill, special ed—help **stigmatize** the recipients of these labels and reduce their self-image. Those who have accepted these labels are more prone to engage in delinquent behaviors than those whose self-image has not been so tarnished.<sup>20</sup>

Both positive and negative labels involve subjective interpretation of behavior: a troublemaker is merely a kid who people label as troublesome. There need not be objective proof or measure indicating that the person is a troublemaker. Just as we assume that a Rolex is a terrific timepiece, we assume that someone labeled a troublemaker is a bad apple. Though a label may be a function of rumor, innuendo, or unfounded suspicion, its adverse impact can be immense. The justice system relies on what sociologist Harold Garfinkel called a **degradation ceremony** to drive home the point that the youthful suspect is an outcast society should shun. During this ritual, an offender’s public identity is transformed through a solemn process that thrusts the targeted person outside the social mainstream.<sup>21</sup> This process may occur when a youngster goes before the juvenile court, is scolded by a judge, has charges read, and is officially labeled a delinquent; this process contains all the conditions for “successful degradation.”

## Differential Labeling

Labels can be formal or informal depending on whether they originate from parents, peers, or the justice system. Kids who perceive that significant others, such as parents and teachers, have negatively labeled them are more likely to self-report delinquent behavior and adopt a deviant self-concept.<sup>22</sup> They are likely to seek deviant friends and join gangs, associations that escalate their involvement in criminal activities.<sup>23</sup> Parental labeling is extremely damaging because it may cause adolescents to seek deviant peers whose behavior amplifies the effect of the labeling.<sup>24</sup> Children negatively labeled by their parents routinely suffer various problems, including antisocial behavior and school failure.<sup>25</sup> This process has been observed in the United States and abroad, indicating that the labeling process is universal.<sup>26</sup> In contrast, when parents stick by kids, the negative labels bestowed by others can be neutralized.<sup>27</sup>

In addition to these informal labels, official labels from the juvenile justice system can also have a devastating effect. For example, an official label increases the risk of youths dropping out of high school. Rather than deterring crime, court intervention increases the likelihood of future criminality.<sup>28</sup> The younger the adolescent, the more powerfully the negative label can influence their self-image.<sup>29</sup>

**Labeling in the Educational System** An important principle of social reaction theory is that the law and stigma are differentially applied, benefiting those who hold economic and social power and penalizing the powerless. Differential labeling also occurs in the educational system. Research shows that African American children receive more disciplinary infractions than children from other racial categories, even when their behavior is similar. A higher percentage of black students in a school translates into greater use of disciplinary tactics.

Take, for instance, the ways that schools mete out punishments for misbehaviors. About 2.6 million public school students (about 5%) receive one or more out-of-school suspensions each year. A higher percentage of Black students (about 14%)

### stigmatize

To mark someone with disgrace or reproach; to characterize or brand someone as disgraceful or disreputable.

### degradation ceremony

Going to court, being scolded by a judge, or being found delinquent after a trial are examples of public ceremonies that can transform youthful offenders by degrading their self-image.

### LO5

Summarize the unequal application of delinquent labels

than students from any other racial/ethnic group receive an out-of-school suspension; in comparison, only 3% of White students and 1% of Asian American students are suspended. Because of the disparity in handing out suspensions, Black students lose, on average, 100 days per 100 students enrolled, more than 80 more days than the 20 days their White peers lost due to out-of-school suspensions.<sup>30</sup> These actions can have long-term consequences, which may explain why minority students fare less well and are more likely to disengage from schools at a younger age than Whites do.<sup>31</sup>

In schools where the student body is primarily children of color, administrators and teachers are more likely to respond to misbehavior punitively and less likely to respond in a restorative way than they do in suburban, primarily White, schools.<sup>32</sup> One reason for differential labeling is that decision makers may want to help kids from “good families” avoid a negative label, a luxury not granted to the poor and people of color.<sup>33</sup>

**Labeling in the Legal System** Processing through the juvenile justice system seems to unleash the labeling process and create secondary deviant identities. Here offenders find (perhaps for the first time) that authority figures consider them incorrigible outcasts needing separation from the right-thinking members of society. To reach that decision, the judge relies on witnesses—parents, teachers, police officers, social workers, and psychologists—who may testify that the offender is unfit to be part of conventional society. As the label “juvenile delinquent” is conferred on offenders, their identities may transform from “kids who have done something bad” to “bad kids.”<sup>34</sup>

There is little question that being stigmatized by the juvenile justice system with a degradation ceremony may be a life-transforming event. Children involved with official labeling agencies, such as the police, are most likely to engage in future deviant and criminal behaviors, especially if they are the most vulnerable, at-risk adolescents.<sup>35</sup> When adolescents with no prior police contact are compared to those who were stopped and/or arrested by police, only the latter group reported higher levels of future delinquency.<sup>36</sup> Arrests may amplify a juvenile’s “cumulative disadvantage” and trigger exclusionary processes that limit conventional opportunities, such as educational attainment and employment.<sup>37</sup>

Kids enter the system as people in trouble with the law but emerge as bearers of criminal histories, which are likely to reinvolve them in illegal activity. Authority figures anticipate that these troublemakers will continue their life of crime and become perennial suspects.<sup>38</sup> If they are institutionalized, the effect is even more damaging: being institutionalized as an adolescent is predictive of precarious, premature, unstable, and unsatisfied life conditions in adulthood. Formerly institutionalized males and females experienced more socioeconomic difficulties, earlier and premature transitions to adulthood, difficulties at work, instability in romantic relationships, and less emotional well-being. Institutionalization as a juvenile will hit girls particularly hard. As adults, young women sent away as juveniles had significant difficulty coping with adulthood, were dependent on government assistance, were significantly more likely to become teen mothers, and suffered from low self-esteem and depression.<sup>39</sup> Because it creates stigma and a damaged self-image, the system designed to reduce delinquency may help produce young criminals.

**Race, Status, and the Legal Process** The probability of being brought under the control of legal authority is often a function of status, including a person’s race, wealth, gender, and social standing. Children from affluent families who break the law can hire private counselors and therapists. When petitioned to court, their private attorneys can argue that the children are already receiving treatment, so there is no need for state intervention; they are frequently let off with a warning. In contrast, children from less affluent families, all too often children of color, who commit similar acts but cannot afford lawyers, counselors, and therapists, are much more likely to face a determination of delinquency and incarceration.<sup>40</sup> Nowhere is

this dynamic more visible than in the so-called War on Drugs. African American drug offenders have a significantly higher likelihood of suffering drug arrests, an imbalance that increases with age. Before age 17, Whites and Blacks have similar chances of a drug arrest. In early adulthood, race disparities in drug arrests grow substantially; by age 22, African Americans have 83% greater odds of a drug arrest than Whites, and at age 27, this disparity is 235%. These disparities exist while controlling for differences in the nature and extent of drug offending.<sup>41</sup> This evidence supports the labeling theory assertion that personal characteristics and social interactions are more important variables in developing criminal identities than merely violating the law.

Why is this differential labeling allowed to take place? Although substantive and procedural laws govern almost every aspect of the American justice system, discretionary decision making controls the operation of the juvenile justice system. Decisions include the police officer's decision on whom to arrest, the prosecutor's decisions on whom to charge, and for how many and what kind of charges, or whether to treat the offender as a juvenile or prosecute in adult court, and the judge's decision on whether to place the young offender in a state training school or send them home with a probationary sentence. In contrast, discretion works to the detriment of people of color, including African Americans, Latinos, Asian Americans, and Native Americans.<sup>42</sup> Children of color stopped by police are significantly more likely to be arrested than White suspects.<sup>43</sup> Once a case reaches the court system, racial bias influences the application of punishment. Surveys show that as the numbers of racial and ethnic minorities in the population increase, so do calls for harsher punishments.<sup>44</sup>

In sum, a major premise of social reaction/labeling theory is that racial, age, income, and gender differences in the delinquency rate reflect that the law is differentially constructed and applied. It favors the powerful members of society who direct its content and penalizes people whose actions represent a threat to those in control, such as racially under represented groups and the poor who demand equal rights.<sup>45</sup> If the law were unbiased, official data would reflect self-report studies, showing that delinquency is spread equally among racial and class groups.

## The Consequences of Labeling

Becoming labeled can have significant consequences. Take, for instance, kids who are picked on by peers at school and labeled weak or cowardly. Bullied students are more likely to be truant, miss school, face disciplinary problems, and feel strain and social anxiety.<sup>46</sup> Some victims may seek to self-medicate to ease the psychological damage caused by being stigmatized.<sup>47</sup>

Official labels can also produce both social and psychological harm. Take the damaging outcomes produced when a child has trouble at school and is subsequently suspended. Suspension can produce a significant change in friendship patterns. Old friends may become wary, excluding them from the more popular kids; so the suspended student may eventually seek out others similarly labeled and likely to be troublemakers and substance abusers.<sup>48</sup>

Outside of school, those adolescents who engage in law-violating behavior risk acquiring a lengthy arrest record. This record will keep many teens from obtaining current or future employment, even if they have paid their dues, are qualified for the job, and are unlikely to re-offend. When adults are labeled as "criminal," "ex-con," or "drug addict," they may find their eligibility for employment severely restricted.<sup>49</sup> Why hire someone with a tainted identity who may repeat their criminal activity when someone with a clean record can fill the position? Considering these outcomes, it should be no surprise that rather than deterring future misbehavior, being caught, prosecuted, punished, and having attained a criminal label is correlated with additional misbehavior. Labeling then may neutralize the deterrent effect of the law.<sup>50</sup>

If a significant other—teacher, police officer, elder, parent, or valued peer—confers a devalued status, the negative label and resulting stigma may cause permanent harm. School officials may suspend, expel, or limit students who acquire negative labels

### LO6

Demonstrate the long-term effects of labels

to classes reserved for people with behavioral problems. Once stigmatized while in school, the negative label follows students into adulthood. Students suspended or expelled from school as punishment for behavioral problems are more likely to be involved in the criminal justice system later in life. Those viewed as needing therapy and/or medication during childhood are more likely to be involved in the mental health system as adults.<sup>51</sup>

Labeled kids may consider themselves social outcasts. The degree to which a person is perceived as a social outcast may affect their treatment at home, work, school, and other social situations. Labels carry stigma and exclusion that can bring harmful consequences.

Children may find that their parents consider them a bad influence on younger brothers and sisters; they routinely suffer various problems, including antisocial behavior and school failure.<sup>52</sup> Labeling alienates parents from their children, and negative labels reduce children's self-image and increase delinquency; this process is referred to as **reflected appraisal**.<sup>53</sup> Parental labeling is extremely damaging because it may cause adolescents to seek deviant peers whose behavior amplifies the effect of the labeling.<sup>54</sup> In contrast, when parents stick by their kids, negative labels bestowed by others can be neutralized.<sup>55</sup>

### **reflected appraisal**

The process in which a person's awareness of how other people see them becomes the basis for self-perception.

## **Labeling and Future Success**

One reason labels follow the bearer across the life span is their effect on future opportunities. An arrest and subsequent criminal record results in a hard-to-shake stigma. More than 70% of colleges now require criminal history information during their application processes; applicants may be asked such questions as "Have you ever been arrested?" "Have you ever been petitioned to court?" Colleges are much more likely to reject applicants who have had involvement with the law than those without a criminal record; students of color with criminal records are more likely to be rejected. Recognizing the effect of a criminal history, many schools have removed application questions that target prior bad behaviors.<sup>56</sup>

If labeled as a delinquent or druggie, they may find their eligibility for employment severely restricted. Furthermore, suppose the label is bestowed as the result of adjudication for a delinquent act. In that case, the labeled person may be subjected to official sanctions ranging from a mild reprimand to incarceration. For example, a judge may need to decide whether a deviant act is the product of willful deliberation or mental disease or defect.

**Damaged Identity** One consequence of labeling is personal reassessment. Stigmatized as "troublemakers," adolescents may begin to incorporate the label into their self-image: "If everyone says I am a troublemaker, it must be true."<sup>57</sup> Although labels may not have caused adolescents to initiate delinquent behaviors, once applied, labels increase the likelihood of persistent offending. Kids now have a "damaged identity." Official labeling may lead to an increased delinquent self-identity, decreased prosocial expectations, and an increased association with delinquent peers. The labeling process can create a new damaged identity for the individual, placing them in the company of other damaged people. They are expected to fail, and association with delinquent peers solidifies that outcome.<sup>58</sup>

Damaged identities follow kids around and may never go away. Cell phone cameras may capture their bad behavior and instantly show up on the internet. A damaged identity provokes some adolescents into repeating their antisocial behaviors, creating new labels, and amplifying old ones.<sup>59</sup> Rather than deter future offending, being repeatedly arrested, processed, punished, and labeled may actually increase the probability that a person will get involved in subsequent antisocial behavior.

**Joining Deviant Cliques** Another outcome of the stigma-generating process that weighs upon an adolescent's likelihood of future success is attaching themselves to deviant peers in law-violating cliques and groups. When kids are labeled



as troublemakers or social problems, they may join with similarly outcast delinquent peers in a clique or group that facilitates their antisocial behavior.<sup>60</sup> Eventually, antisocial behavior becomes habitual and automatic.<sup>61</sup> The desire to join deviant cliques and groups may stem from a self-rejecting attitude (“At times, I think I am no good at all”), eventually resulting in a weakened commitment to conventional values and behaviors. In turn, these children may acquire motives to deviate from social norms. Facilitating this attitude and value transformation is the bond social outcasts form with similarly labeled peers in the form of a deviant subculture.<sup>62</sup>

Delinquent peers then may help labeled youths “reject their rejectors.” Teachers are “stupid”; cops are “dishonest”; parents “just don’t understand.”<sup>63</sup> Joining a group, whether a formal gang or friendship clique, enables outcast youths to show contempt for the sources of the labels and helps maintain their self-esteem.<sup>64</sup>

Membership in a deviant subculture often involves conforming to group norms that conflict with conventional society. Deviant behaviors that defy conventional values can serve several different purposes. Some acts are defiant, designed to show contempt for the source of the negative labels. Other acts are planned to distance the transgressor from further contact with the source of criticism (for example, joining a gang gives kids the social support lacking from absent or overly critical parents).<sup>65</sup>

**Labeling Outcomes** All of these conditions eventually mesh, transforming a youth from someone who has “messed up” to someone on the verge of a delinquent way of life that will segue into adult criminality. Processing through the juvenile justice system seems to unleash the labeling process and create secondary deviant identities. Kids now realize that authority figures consider them incorrigible outcasts who must be separated from the right-thinking members of society. During the court process, parents, teachers, police officers, social workers, and psychologists may testify that the offender is unfit to be part of conventional society. As the label “juvenile delinquent” is conferred on offenders during a degradation ceremony, the offenders’ identities transform from “kids who have done something bad” to “bad kids.”

There is little question that being stigmatized by the educational and juvenile justice system with a degradation ceremony may be a life-transforming event. Children involved with official labeling agencies such as the police are the ones most likely to engage in future deviant and criminal behaviors, especially if they are the most vulnerable, at-risk adolescents.<sup>66</sup> Only the latter group reported higher levels of future delinquency when comparing adolescents with no prior police contact to those who police stopped and/or arrested.<sup>67</sup> Arrests may amplify a juvenile’s “cumulative disadvantage” and trigger exclusionary processes that limit conventional opportunities, such as educational attainment and employment.<sup>68</sup>

Kids enter the system as people in trouble with the law but emerge as bearers of criminal histories, which are likely to reinvolve them in criminal activity. Authority figures anticipate that these troublemakers will continue their life of crime and become perennial suspects. If they are institutionalized, the effect is even more damaging. A study by Nadine Lanctôt and her colleagues found that being institutionalized as an adolescent predicts precarious, premature, unstable, and unsatisfied life conditions in adulthood.<sup>69</sup> Formerly institutionalized males and females experienced more socioeconomic difficulties, earlier and premature transitions to adulthood, difficulties at work, instability in romantic relationships, and less emotional well-being. Being institutionalized as a juvenile will hit girls particularly hard. As adults, young women who had been sent away as juveniles had significant difficulty coping with adulthood, were dependent on government assistance, were significantly more likely to have become teen mothers, and suffered from low self-esteem and depression. Because it creates stigma and a damaged self-image, the system designed to reduce delinquency may help produce young criminals.

## Is Labeling Theory Valid?

Labeling theory has been the subject of much academic debate. Those who criticize it point to its inability to specify the conditions that must exist before an act or individual is labeled deviant—that is, why some people are labeled and others remain “secret deviants.”<sup>70</sup> Some critics argue that the deterrent effect of punishment offsets the crime-producing effects of stigma. In a classic work, *Beyond Probation*, Charles Murray and Louis Cox found that youths assigned to a program designed to reduce labels were more likely later to commit delinquent acts than a comparison group placed in a more punitive state training school. The implication was that the threat of punishment was a deterrent and that labels’ crime-producing influence was minimal.<sup>71</sup>

There is also some question about the label’s real cost. Some people question whether negative social reactions and stigma produce delinquency.<sup>72</sup> Many delinquent careers exist without labeling, and it is possible that negative labeling often comes after, rather than before, chronic offending. Getting labeled by the justice system and having an enduring delinquent record may have little effect on kids burdened with social and emotional problems since birth.<sup>73</sup>

While these criticisms are telling, there are several reasons why social reaction may help understand the ebb and flow of a delinquent career:<sup>74</sup>

- The labeling perspective identifies the role of social control agents in delinquency causation. Delinquent behavior cannot be fully understood if the agencies and individuals empowered to control and treat it are neglected.
- Labeling theory recognizes that delinquency is not a disease or pathological behavior. It focuses attention on the social interactions and reactions that shape individual behavior.
- Labeling theory distinguishes between delinquent acts (primary deviance) and delinquent careers (secondary deviance) and shows that these concepts must be interpreted and treated differently.

Social reaction is also important because of its focus on interaction and the situations surrounding the crime. Rather than viewing the delinquent as a robot-like creature whose actions are predetermined, it recognizes that crime is often the result of complex interactions and processes. The decision to commit a crime involves the actions of various people, including peers, the victim, the police, and other key characters. Labels may expedite crime because they guide the actions of all parties involved in these delinquent interactions. Actions deemed innocent when performed by one person are considered provocative when someone labeled as deviant engages in them. Similarly, labeled people may be quick to judge, take offense, or misinterpret the behavior of others because of past experience.

Research shows that offenders placed in treatment programs aimed at reconfiguring their self-image may be able to develop revamped identities and desist from crime, supporting the labeling theory. Some can go through “redemption rituals” in which they can cast off their damaged identities and develop new ones. As a result, they develop an improved self-concept, which reflects the positive reinforcement they receive while in treatment.<sup>75</sup>

## Social Reaction Theory and Social Policy

As the dangers of labeling became known, a massive effort was made to limit the interface of youths with the juvenile justice system. One approach was to divert youths from official processing at their initial contact with police. The usual practice was to have police refer children to treatment facilities rather than the juvenile court. Similarly, children petitioned to juvenile court might be eligible for alternative programs rather than traditional juvenile-justice processing. Such programs are common throughout the United States. They frequently offer counseling, medical advice, and vocational, educational, and family services. Take, for instance, a Pennsylvania

program that offered first-time DUI offenders placement in the Accelerated Rehabilitative Disposition (ARD) program; this diversionary sentence does not impose a criminal record on the offender. Evaluations show that the diversionary program worked just as well as the court process for White males and significantly reduced recidivism for non-White males and White and non-White females. The findings suggest that offenders, at worst, have no difference in recidivism based on the type of disposition and, at best, benefit from the ability to avoid a criminal record.<sup>76</sup>

Efforts were made to reduce stigma for youths found delinquent by using alternative programs, such as boot camp or intensive probation monitoring. Alternative community-based sanctions substituted for state training schools, a policy known as **deinstitutionalization**. Anything producing stigma was to be avoided whenever possible, a philosophy called nonintervention.

While these programs were initially popular, critics claimed that the nonintervention movement created a new class of juvenile offenders who previously might have avoided prolonged contact with juvenile justice agencies; they called this phenomenon “widening the net.”<sup>77</sup> Evaluation of existing programs did not indicate that they could reduce the recidivism rate of clients.<sup>78</sup> While these criticisms proved damaging, many nonintervention programs still operate.

### deinstitutionalization

Removing juveniles from adult jails and placing them in community-based programs to avoid the stigma attached to these facilities.

## Social Conflict Theory

Several events, both in the United States and abroad, hammer home the fact that modern culture is shaped by conflict and not consensus.

- In 2020, Minneapolis police officer Derek Chauvin kept his knee on George Floyd’s neck for at least nine minutes, causing Floyd’s death and setting off worldwide demonstrations.<sup>79</sup>
- On January 6, 2021, insurgents stormed the U.S. Capitol in Washington, D.C., to overturn the 2020 presidential election.<sup>80</sup> More than 140 people were injured, and five were killed.
- In 2022, Russian troops invaded Ukraine, killing thousands and laying waste to that country. Violence in that region is not new. In 2014, Russia took control of Ukraine’s Crimean region before formally annexing the peninsula after Crimeans voted to join the Russian Federation in a disputed local referendum. By conservative estimates, violence in eastern Ukraine between Russian-backed separatist forces and the Ukrainian military killed more than 10,300 people and injured nearly 24,000 prior to the invasion.<sup>81</sup>

The world is beset by conflict on a mass and individual level, both in the United States and abroad. According to social conflict theory (or critical theory—we use these two terms here interchangeably), those who hold power in contemporary society get to set the rules, control the law, and decide who is a deviant, delinquent, and/or criminal. Their motives are not moral but financial and economic. They care little about the moral content of the law as long as it protects the interests of those who hold social and economic power.

Society is constantly in internal and external conflict, as different groups strive to impose their will on others. Those with money and power succeed in shaping the law to meet their needs and maintain their interests. In the United States, critics argue that the majority who enjoy “White privilege” want to ensure that manipulating the system to make enormous profits is legal while punishing shoplifting, pilferage, and theft. The law protects the wealth of those in power while controlling people whose behavior does not conform to the needs of the power elite. When victims come from outcast groups, they are not afforded the same protections as the ruling elite. As a result, not only are violent attacks increasing on people of color and the LGBTQ community but lack of interest or response by law enforcement agencies can be viewed as a pattern of informal state support for these forms of violence, similar to lynching a generation ago.<sup>82</sup>

### LO8

Apply the core elements of social conflict theory

Those in power use the justice system to maintain their status while keeping others subservient. Men use their economic power to subjugate women; members of the majority want to stave off the economic advancement of minorities; capitalists want to reduce workers' power to ensure they are willing to accept low wages. Conflict theory centers around a view of society in which an elite class uses the law to meet threats to its status. The ruling class is a self-interested collective whose primary interest is self-gain. Conflict theorists observe that while spending has been cut on social programs during the past few years, spending on the prison system has skyrocketed.

## Law and Justice

Social conflict theorists view the law and the justice system as vehicles for controlling the have-not members of society. Legal institutions help the powerful and rich to impose their standards of good behavior on the entire society. The law protects the property and physical safety of the haves from attack by the have-nots, and it helps control the behavior of those who might otherwise threaten the status quo. The poor may or may not commit more crimes than the rich, but they certainly are arrested more often.<sup>83</sup>

Critical theorists warn that the new technology is now being used to monitor those threatening the status quo. The government now has the tools to observe where you go, what you buy, who you communicate with on the net, and keep records of your daily activities. The dangers of illegal surveillance by government agencies have magnified because technology now allows observers wide latitude to intercept messages and enter computers through the internet without being detected. Critical theorists are dismayed by these surveillance practices because their net is widening and may include such public health concerns as vaccination status. Such intrusions increase the social control of the state.<sup>84</sup>

### LO9

Define the basic principles of Critical Race Theory

## Critical Race Theory

Several critical theorists have adopted Critical Race Theory (CRT) to analyze social constructions ranging from school discipline to law application and legal institutions' operation.<sup>85</sup> According to the CRT, these institutions are inherently racist because they function to create and maintain social, economic, and political control of people of color for the benefit of the White majority.<sup>86</sup> CRT advocates believe that racial bias is present in almost every phase of the juvenile justice system.<sup>87</sup> It begins with the disproportionate processing of children of color confronted by police who routinely use racial profiling and continues through arrest, prosecution, and sentencing.<sup>88</sup>

The CRT perspective contains several important concepts. One **intersectionality** refers to the understanding that aspects of a person's social and political identity, including race, gender, religion, social position, disability, and appearance, combine to create different genres of discrimination and privilege. So, in some instances, a person who might typically face racial discrimination may have their marginalized status enhanced because of their physical appearance. Intersectionality identifies multiple factors of advantage and disadvantage. These factors include gender, caste, sex, race, class, sexuality, religion, disability, physical appearance, and height. When added together, these intersecting and overlapping social identities can either be highly beneficial or highly debilitating. So, the wealthy, White high school athlete who receives private tutoring and is also the son of an alumnae of a prestigious college enjoys a huge advantage over a child of color who has a debilitating handicap and lives in foster care.

Critical race theorists believe that social liberals, though they proclaim to be race sensitive, are still incapable of understanding and neutralizing the racial injustice that pervades American society.<sup>89</sup> Civil and legal rights advances are merely Band-Aid bandages, designed to shore up the system without making fundamental changes. By claiming to reduce racial disparity and emphasizing equal treatment under the law, liberals fail to recognize, and the concept of equitable treatment fails to recognize the

### intersectionality

An analytical framework for understanding that people's social and political identities combine to create different forms of discrimination and privilege.



special history of African Americans and their daily experiences with racism and racist practices. White people cannot see racism that is relatively indirect, subtle, or systemic or acknowledge that people of color routinely experience racism in their daily lives. For example, an African American teen enters a store only to find that they are under surveillance the minute they arrive and are suspected of being a shoplifter by security guards. By refusing to embrace radical, revolutionary change, liberals are just prolonging the dominance of the racist approach that perpetuates an unjust society and enables legal and political challenges to reform; racism is normative in U.S. culture.

It is not surprising to conflict theorists that complaints of police brutality are highest in minority neighborhoods, especially those where African American residents earn significantly less money than average and therefore have less political and social power.<sup>90</sup> Police misbehavior, routine in minority neighborhoods according to CRT, would never be tolerated in affluent white areas. Consequently, a deep-rooted hostility is generated among people of color toward a social order they may neither shape nor share.

## Critical Feminist Theory

Another area of critical theory, critical feminist theory, views gender inequality as stemming from the unequal power of men and women in a capitalist/postmodern society. Some of the most important issues focused upon by critical feminists include the role of masculinity in creating female victimization, the exploitation of women in the workplace, and the unequal treatment of men and women in the justice system. There is also concern with the role of media in “demonizing” girls and women of color.<sup>91</sup>

Critical feminists also show how sexual and other victimization of girls is a function of male socialization because so many young males learn to be aggressive and exploit women.

This attitude has produced numerous incidents of sexual assault against, in which gender-centered humiliation, such as taking nude photos and videos of unsuspecting victims and posting them online, plays a significant role.<sup>92</sup> And when young women go out at night to parties, sexually aggressive or coercive behavior is considered a normal part of gendered interactions.<sup>93</sup> In one infamous incident, Owen Labrie, a senior at the prestigious St. Paul’s prep school in New Hampshire, sexually assaulted 15-year-old Freshman Chessy Prout. Labrie’s goal was to add her name to a list of sexual conquests garnered by senior boys as part of the Senior Salute ritual. During the trial, prosecutors mentioned that Labrie and his friends regularly referred to “slaying” girls. He supposedly relished the gamesmanship of the St. Paul’s Senior Salute and told the police that he was “trying to be No. 1 in the sexual scoring at St. Paul’s School.”<sup>94</sup>

## Conflict Theory and Delinquency

In our advanced technological society, those with economic and political power control the legal definition of delinquency and how the law is enforced.<sup>95</sup> Consequently, the only crimes available to poor kids are the severely sanctioned “street crimes”: rape, murder, theft, and mugging. Members of the middle class may engage in petty delinquent acts such as smoking marijuana or shoplifting, acts that generate social disapproval but are rarely punished severely. At the top of the social pyramid are the power elite, extremely wealthy people whose fortunes were created and are now maintained on the backs of the working class. They make millions while paying desperate workers subsistence wages. Moreover, the power elite are involved in acts that should be described as crimes but are not, such as racism, sexism, and profiteering. Although regulatory laws control illegal business activities, these are rarely enforced, and violations are lightly punished.

Conflict theorists view delinquency as a normal response to the conditions created by capitalism.<sup>96</sup> In fact, the creation of a legal category, delinquency, is a function of the class consciousness that occurred around the turn of the twentieth century.<sup>97</sup> In *The Child Savers*, Anthony Platt documented the creation of the delinquency concept and the role played by wealthy child savers in forming the philosophy of the juvenile court. Platt

believed the child-saving movement's real goal was to maintain order and control while preserving the existing class system.<sup>98</sup> He and others have concluded that the child savers were powerful citizens who aimed to control the behavior of disenfranchised youths.

Critical thinkers still view delinquent behavior as a function of the capitalist system's inherent inequity. They suggest that the justice system may help sustain such behavior rather than inhibiting delinquent behavior. The capitalist state fails to control delinquents because it is in the state's interest to maintain many outcast youths who can be employed as marginal workers, willing to work for minimum wage in jobs no one else wants. Thus, labeling by the justice system fits within the capitalist managers' need to maintain an underclass of cheap labor.

Compounding the problem is the trend toward replacing human labor with machines and products made in the United States with products made abroad. As a result, even low-paid outcast youths are removed from the labor force. With any chance of upward mobility diminished, youth from the lowest classes form gangs that serve as a means of survival in a system that offers no reasonable alternative. Even youths in more stable areas are on the fringe of delinquent activity because the economic system excludes them from meaningful opportunities.

Conflict theory also acknowledges middle-class delinquency. The alienation of individuals from one another, the competitive struggle, and the absence of human feeling—all qualities of capitalism—contribute to middle-class delinquency. Because

## International Delinquency

### Recruiting Young Terrorists

In October 2020, three suspects linked to a terrorist cell actively recruiting and indoctrinating young people were arrested in Spain. The individuals were living San Sebastian and Pasaia in northern Spain. They were actively disseminating a large amount of jihadist propaganda via the net to recruit and indoctrinate young people. The content included a variety of violent visuals displaying minors involved in Islamic State jihadist combats and promoting them as role models. The suspects used social media accounts to disseminate propaganda. They created multiple profiles on social media networks, which counted numerous followers. Two of the accounts created accumulated over 10, 000 followers. The youngest recruits received physical training and mental conditioning to carry out jihadist terrorism; they provided handbooks on using and handling weapons such as knives and firearms.

Terror organizations such as ISIS are now actively using the internet to recruit Westerners. In almost every American recruitment case, social media played some part in recruitment and/or radicalization. One web video tells potential recruits, "I am your brother in Islam here in Syria. We have safety here for your family and children." Terror groups have their own multilingual media arms. ISIS calls its recruitment element Al-Hayat, which produces videos using American-made GoPro action cameras. Al-Hayat has released videos featuring foreign fighters

who speak Western languages and encourage young people to wage violent jihad or help the caliphate in some other way.

There are numerous instances of young people, both immigrant and native-born, who were recruited online and then traveled or attempted to travel to the Middle East to get involved in terror. Two of the most notorious cases include:

- Hoda Muthana, a young Yemeni-American woman from Hoover, Alabama. Telling people she was going to Atlanta for a college field trip, Muthana boarded a flight to Turkey, where she married three jihadists who were killed in attacks. She now regrets joining ISIS and wants to return home to the U.S., a desire that U.S. authorities and the court system have so far declined. Mohammed Hamzah Khan, a Chicago area teen, was recruited to join ISIS with his two younger siblings. The three were arrested as they were about to board an aircraft bound for Vienna and then Istanbul, Turkey. After pleading guilty to one felony count of attempting to provide material support to a terrorist organization, Khan was sentenced to five years behind bars and court supervision for 15 years while undergoing "psychological and violent-extremism counseling." Khan also had to perform at least 120 hours of community service each year and allow court personnel to search his cell phone, email, and computer four times a month.

capitalism is dehumanizing, it is not surprising that even middle-class youths turn to drugs, gambling, and illicit sex to find escape.

## Globalization, Economy, and Delinquency in Contemporary Society

Conflict theorists believe that globalization will profoundly influence the future of indigent youth. Technological advances have aided the growth in illicit transnational activities; advances include efficient and widespread commercial airline traffic, improvements in telecommunications (ranging from global cell phone connectivity to the internet), and the growth of international trade. These changes have facilitated the cross-border movement of goods and people, conditions exploited by criminals who now use internet chat rooms to plan their activities. Gangs can now cross unpatrolled borders to expand their activities to new regions. Transnational crime groups exploit this new freedom to travel to regions that won't extradite them, base their operations in countries with ineffective or corrupt law enforcement, and launder their money in countries with bank secrecy or few effective controls. Globalization has allowed individual offenders and criminal gangs to gain tremendous operational benefits while reducing risks of apprehension and punishment. These benefits extend to international terrorist groups, as the International Delinquency feature illustrates.



In addition to Muthana and Khan

- A 17-year-old high school student from Virginia pleaded guilty to supporting ISIS by acting as a travel agent to help a friend from school join the group in Syria.
- A 16-year-old in South Carolina “lured by the ideology of ISIS” was convicted on gun charges.
- Three teenagers from Denver were stopped in transit to Turkey en route to ISIS in Syria. If not for a last-minute intervention of U.S. and German officials, who scrambled to act after frantic calls from one of the girls’ fathers, the teenagers likely would have joined the wave of minors drawn to terrorist organizations.

Research on the recruits who traveled or attempted to travel abroad to join jihadist groups indicates that they were overwhelmingly male. About half were born in the United States; about one-third had converted to the Muslim faith. More than half of the travelers left the United States after 2011, and almost all of those went to Syria to join the Islamic State of Iraq and Syria, which, despite battlefield setbacks, is still active with an estimated 10,000 members and recruiting more.

These findings suggest that Syria’s civil war offered a unique confluence of appeal and accessibility. Most foreign-born travelers arrived in the United States as children and spent roughly the same years there between their arrival and their attempt to join the jihad. Thus, America’s jihadists do not

reflect an immigration problem; it does not appear that radicalized individuals are being admitted into the United States or that vetting is failing. America’s jihadists are made in the United States. Decisions to travel and plot involved individuals rather than larger groups, indicating that jihadists have not been able to organize themselves in the U.S. Muslim community. Those American youth who are successfully recruited tend to be described as isolated, uncertain, disillusioned, and without purpose. Like other gangs, they offer a sense of family and belonging that appeals to teens and allows them to join a group with a passionate purpose and direction.

### Critical Thinking

How can we stop youth from joining terror groups abroad when we cannot seem to stop them from joining a neighborhood gang? Is the lure of joining a local gang similar to the appeal of joining a terror group?

SOURCES: Brian Michael Jenkins, *Paths to Destruction: A Group Portrait of America’s Jihadists—Comparing Jihadist Travelers with Domestic Plotters* (Santa Monica, Cal. Rand Corp, 2021). John Vacca, ed. *Online Terrorist Propaganda, Recruitment, and Radicalization* (Boca Raton, Florida: CRC Press, 2021); Ángel Gómez, Mercedes Martínez, Francois Alexi Martel, Lucía López-Rodríguez, Alexandra Vázquez, Juana Chinchilla, Borja Paredes, Mal Hettiarachchi, Nafees Hamid and William Swann, “Why People Enter and Embrace Violent Groups,” *Frontiers in Psychology*, January 7, 2021 <https://www.frontiersin.org/articles/10.3389/fpsyg.2020.614657/full> (accessed Jan 2022). Europol, “Spain takes down terrorist cell recruiting online for the so-called Islam” “The alleged leaders of this cell feature among those arrested” Nov 1, 2020 <https://www.europol.europa.eu/media-press/newsroom/news/spain-takes-down-terrorist-cell-recruiting-online-for-so-called-islamic-state>

All of these social and economic changes are bound to seriously affect American society and how it treats children. Workers in the United States in high-paying manufacturing jobs may be replaced by machines and foreign workers in overseas factories. Instant communication via the internet and global communications will speed the effect immeasurably. Government policies designed to increase corporate profits tend to aggravate rather than ease the financial stress placed on ordinary families. Contemporary monetary, trade, and tax policies are harmful to working-class families. While affluent Whites fear corporate downsizing, poor minorities in central cities are shut out of any economic revival. The modern marketplace, with its reliance on sophisticated computer technologies, is continually decreasing demand for low-skilled workers, which impacts African Americans more negatively than other better-educated and more affluent groups.<sup>99</sup>

Children of color are hit the hardest by the effects of globalization. Sociologist William Julius Wilson has written about the plight of the African American community. He suggests that as difficult as life was in the 1940s and 1950s for African Americans, they at least had a reasonable hope of steady work. Now, because of the globalization of the economy, those opportunities have evaporated. Though racial segregation limited opportunity in the past, growth in the manufacturing sector fueled upward mobility and provided the foundation of today's African American middle class. Those opportunities no longer exist as manufacturing plants have moved to inaccessible rural and overseas locations where business costs are lower. With manufacturing opportunities all but obsolete in the United States, service and retail establishments that depended on blue-collar spending have similarly disappeared, leaving behind an economy based on welfare and government support. In less than 20 years, formerly active African American communities have become crime-infested inner-city neighborhoods.

Beyond sustaining inner-city poverty, the absence of employment opportunities has torn at the social fabric of the nation's poorest communities. Work helps socialize young people into the wider society, instilling desirable values such as discipline, caring, and respect for others. When work becomes scarce, the discipline and structure it provides are absent. Community-wide underemployment destroys social cohesion, increasing the presence of neighborhood social problems ranging from drug use to educational failure. Schools in these areas do not teach basic skills, and because desirable employment is lacking, there are few adults to serve as role models. In contrast to more affluent suburban households where daily life is organized around job and career demands, children in inner-city areas are not socialized in the workings of the mainstream economy. If anything, globalization increases the attractiveness of gangs, and gang membership may provide inner-city youth with a substitute for the now-vanished high-paid manufacturing jobs located overseas.<sup>100</sup>

**The COVID Pandemic** At its height, the COVID pandemic had a devastating effect on the economy and hit teens especially hard. According to the Pew Research Center, during the pandemic summer of 2020, teen summer employment in the United States plunged to its lowest level since 2008's Great Recession.<sup>101</sup> Fewer than a third (30.8%) of U.S. teens had a paying job in the summer of 2020. Many places most likely to employ them—restaurants, shops, recreation centers, tourist attractions—were shuttered entirely or had their operations severely curtailed; the year before, 36% of teens worked over the summer. In July 2020—what would typically be the peak month for summer jobs—jobs fell by more than a million from July 2019. It is likely, over the long term, that teen job numbers will return to pre-COVID levels.

## LO10

Illustrate how restoration can reduce delinquent behaviors

## Social Policy and Conflict Theory: Restorative Justice

There has been an ongoing effort to reduce the conflict created by applying harsh punishments to offenders, many of whom are powerless social outcasts. Conflict theorists argue that the "old methods" of punishment fail and scoff at claims that the crime rate



has dropped because we have toughened laws and increased penalties.<sup>102</sup> Nowhere has this been more successful than in what is known as the **restorative justice** movement.

Rather than casting troubled kids aside, restorative justice is a method of restoring them into the community.<sup>103</sup> The term *restorative justice* is often hard to define because it encompasses a variety of programs and practices that address victims' harms and needs, hold kids accountable for the harm they cause, and involve victims, offenders, and communities in the healing process. We can translate the core value of the restoration process into respect for all, including those who are different from us and even those who seem to be our enemies. Restorative justice is a set of principles, a philosophy, and an alternate set of guiding questions that provide an alternative framework for thinking about wrongdoing.<sup>104</sup> Restorative justice would reject concepts such as "punishment," "deterrence," and "incarceration" and embrace "apology," "rehabilitation," "reparation," "healing," "restoration," and "reintegration."

Restorative justice has grown out of a belief that the traditional justice system has done little to involve the community in the process of dealing with crime and wrongdoing. What has developed is a system of coercive punishments administered by bureaucrats that are inherently harmful to offenders and reduce the likelihood that offenders will ever become productive members of society. This system relies on punishment, stigma, and disgrace. Advocates of restorative justice argue that rather than today's punitive mentality, what is needed is a justice policy that repairs the harm caused by delinquency and that includes all parties who have suffered from that harm: the victim, the community, and the offender.

**Reintegrative Shaming** One of the key foundations of the restoration movement is contained in John Braithwaite's influential book *Crime, Shame, and Reintegration*.<sup>105</sup> Braithwaite's vision rests on the concept of **shame**: the feeling we get when we don't meet the standards we have set for ourselves or significant others have set for us. Shame can lead people to believe that they are defective and that something is wrong with them. Braithwaite notes that countries such as Japan, where conviction for crimes brings an inordinate amount of shame, have extremely low crime and delinquency rates. In Japan, criminal prosecution only proceeds when the normal process of public apology, compensation, and the victim's forgiveness breaks down.

Shame is a powerful tool of informal social control. Citizens in cultures in which crime is not shameful, such as the United States, do not internalize an abhorrence for crime because when they are punished, they view themselves as mere victims of the justice system. Their punishment comes at the hands of neutral strangers, like police and judges, who are being paid to act. In contrast, shaming relies on the victim's participation.<sup>106</sup>

Braithwaite divides the concept of shame into two distinct types. The most common form of shaming typically involves stigmatization, an ongoing process of degradation in which the offender is branded as an evil person and cast out of society. Shaming can occur at a school disciplinary hearing or a juvenile court trial. Bestowing stigma and degradation may have a general deterrent effect: it makes people afraid of social rejection and public humiliation. As a specific deterrent, stigma is doomed to failure; kids who suffer humiliation at the hands of the juvenile justice system "reject their rejectors" by joining a deviant subculture of like-minded people, such as a juvenile gang, that collectively resists social control. Despite these dangers, there has been an ongoing effort to brand offenders and make their shame public and permanent. Many states have passed sex offender registry and notification laws that make public the names of those convicted of sex offenses and warn neighbors of their presence in the community.<sup>107</sup>

But the fear of shame can backfire or be neutralized. When shame is managed well, people acknowledge they made mistakes and suffered disappointments and try to work out how to make things right; this process is called shame management. However, in some cases, to avoid the pain of shaming, people engage in improper shame management, a psychological process in which they deny shame by shifting the blame of their actions to their target or others.<sup>108</sup> They may blame others, get angry, and take out their frustrations on those whom they can dominate. Improper shame management of this sort has been linked to antisocial acts, including schoolyard bullying.<sup>109</sup>

## **restorative justice**

Using humanistic, nonpunitive strategies to right wrongs and restore social harmony.

## **shame**

The feeling we get when we don't meet the standards we have set for ourselves or that significant others have set for us.

### reintegrative shaming

Techniques used to allow offenders to understand and recognize their wrongdoing and shame themselves. Shaming must be brief and controlled, followed by ceremonies of forgiveness, apology, and repentance to be reintegrative.

Braithwaite argues that crime control can be better achieved through a policy of **reintegrative shaming**. Here disapproval is extended to the offenders' evil deeds, while at the same time, they are cast as respected people who can be reaccepted by society. A critical element of reintegrative shaming occurs when the offenders begin to understand and recognize their wrongdoing and shame themselves. To be reintegrative, shaming must be brief and controlled and then followed by ceremonies of forgiveness, apology, and repentance.

To prevent delinquency, Braithwaite charges, society must encourage reintegrative shaming. Similarly, parents who use reintegrative shaming techniques in their childrearing practices may improve parent-child relationships and ultimately

## Treating Delinquency

### Family Group Conferencing (FGC): The New Zealand Model

One popular restorative justice initiative, Family Group Conferencing (FGC), involves the group of people most affected by crime and delinquency—the victim and the offender, and the family, friends, and key supporters of both—in deciding the resolution of the delinquent/criminal act. FGC begins when a facilitator contacts the victim and offender to explain the process and invites them to the conference; the facilitator also asks them to identify and invite key support system members. Participation is voluntary. The offending youth must be willing to admit their responsibility for the delinquent act to participate in the FGC. A trained facilitator brings together the parties affected to discuss how the offense has harmed them and others and how to repair that harm.

The conference typically begins with the offender describing the incident. Next, each participant describes the impact the incident had on their life. Through these narrations, the youthful offender faces the human impact of their behavior on the victim, those close to the victim, and the offender's family and friends. The victim has the opportunity to express feelings and ask questions about the offense. After a thorough discussion of the offense's impact on those present, the victim is asked to identify desired outcomes from the conference and thus helps shape the obligations placed on the offender. All participants may contribute to determining how the offender might best repair the harm they have caused. The session ends with participants signing an agreement outlining their expectations and commitments.

#### The New Zealand Model

Family group conferencing is used extensively in New Zealand. Their model is set out in detail below.

*People who can go to the family group conference:*

- Young person
- Young person's family

- Victim and support people
- Youth justice coordinator
- Police
- Young person's lawyer, called a youth advocate
- A social worker
- Other professionals, for example, health and education

An interpreter can attend the meeting if needed.

*Who organizes the family group conference?*

The FGC is arranged by the youth justice coordinator from Child, Youth and Family. The youth justice coordinator is the key person for the young person and their family. They help everyone get the most out of the meeting and answer any worries or questions.

*Preparing for the family group conference*

Getting as many family members as possible to the FGC is the main thing that will help create a positive change for the young person. If you are attending an FGC for a young person in your family, you might want to think about:

- Who is in your extended family or whānau [extended family in Maori society]?
- Where do you want the FGC to be held?
- What special customs would you like to be part of the FGC?
- Who is a leader in your family who could help with the meeting?
- Who do you know could help your young person with school, get a job, learn new skills, or be a role model?

*What happens at a family group conference?*

Each family group conference is unique because the young person and their family help decide how to run the meeting. But generally, there are three parts to a family group conference: Getting the facts, talking, and making a plan.

reduce the delinquent involvement of their children.<sup>110</sup> Because informal social controls may have a greater impact than legal or formal ones, it may not be surprising that the fear of personal shame can have a greater deterrent effect than the fear of legal sanctions. It may also be applied to produce specific deterrence. Offenders can meet with victims so that delinquents can experience shame. Family members and peers can be present to help the offender reintegrate. Such efforts can humanize a system of justice that today relies on repression rather than forgiveness as the basis of specific deterrence. A restoration-based program that involves offenders, victims, and family members, among others, is set out in the following Treating Delinquency feature.

## Intervention

### 1. Getting the facts

Everyone will hear what the police say happened. If the young person agrees with what the police say happened, the next step will be to talk about how the young person can make things right. If the young person disagrees with what the police say happened, the conference will end, and the police or the court will decide what to do next.

### 2. Time to talk

Everyone talks about what the young person did wrong (the offenses) and how it made other people feel, like the victim and the young person's family. The victim will talk about how the crime affected them, what they think should happen, and what the young person can do to make things right.

### 3. The plan

The young person and their family discuss a plan to set things right. The plan should be fair to the victim and help the young person learn from their mistakes. Once the family has thought about a plan, they report their ideas to the meeting. Everyone talks about it and decides if they agree on the plan. If an agreement can't be reached, a judge will decide the plan. When the family group conference process is well managed:

- social workers provide coordinators with a comprehensive family group conference referral, informed by a quality assessment
- tamariki (children), rangatahi (young people) and their whānau or family are well prepared and can actively participate
- victims and key professionals are fully informed and engaged
- plans are focused on the safety and wellbeing outcomes for te tamaiti, or the four primary considerations for youth

justice (the well-being and best interests of rangatahi, public interest, the interests of the victim, and accountability)

- plans are supported through implementation and review.

## Guidance

A good plan will help a young person:

- Face up to it and admit to what they have done wrong
- Put it right with the victim as much as possible and accept the consequences
- Move on by supporting the young person to make positive choices from now on
- Be strong as part of their family and whānau

The plan will also include:

- Who in the family will support the young person
- A clear timeframe for when the tasks need to be done
- Who will monitor each of the tasks

*After the family group conference:*

The young person will need help from their family to make the plan work. Once the plan has been made, it is legally binding and has to be completed. Child, Youth, and Family will review the plan to make sure all the tasks are done.

If the plan isn't being carried out as agreed, the youth justice coordinator will talk to the family about getting things back on track.

## Critical Thinking

Do you believe that family group conferencing can make a difference in a young offender's life? Or do you think a more punishment-oriented response would produce better results? Explain your beliefs.

SOURCES: New Zealand Ministry of Social Development, Family Group Conferencing Practicing Standards, 2022 <https://practice.orangatamariki.govt.nz/policy/family-group-conferencing-practice-standards/#what-is-high-quality-family-group-conferencing>; Edmund

## The Process of Restoration

The restoration process begins by redefining antisocial behavior in terms of a conflict among the offender, the victim, and affected constituencies (families, schools, workplaces, and so forth). Therefore, it is vitally important that the resolution occur within the context in which the conflict originally occurred rather than being transferred to a specialized institution with no social connection to the community or group from which the conflict originated. In other words, most conflicts are better settled in the community than in a court.

By maintaining “ownership” or jurisdiction over the conflict, the community can express its shared outrage about the offense. Shared community outrage is directly communicated to the offender. The victim also has a chance to voice their story, and the offender can directly communicate their need for social reintegration and treatment. All restoration programs involve an understanding among all the parties involved in a criminal act: the victim, the offender, and the community. Although processes differ in structure and style, they generally include these elements:

- The offender is asked to recognize that they caused injury to personal and social relations along with a determination and acceptance of responsibility (ideally accompanied by a statement of remorse). Only then can the offender be restored as a productive community member.
- Restoration involves turning the justice system into a “healing” process rather than being a distributor of retribution and revenge.
- Reconciliation is a big part of the restorative approach. Most people involved in offender–victim relationships know one another or were related in some way before the criminal incident occurred. Instead of treating one of the involved parties as a victim deserving of sympathy and the other as a criminal deserving of punishment, addressing the issues that produced conflict between these people is more productive.<sup>111</sup>
- The effectiveness of justice ultimately depends on the stake a person has in the community (or a particular social group). If a person does not value their membership in the group, the person will be unlikely to accept responsibility, show remorse, or repair the injuries caused by their actions. In contrast, people who have a stake in the community and its principal institutions, such as work, home, and school, find that their involvement enhances their personal and familial well-being.<sup>112</sup>
- There must be a commitment to the victim to make both material (monetary) restitution and symbolic reparation (an apology).
- A determination must be made about community support and assistance for both victim and offender.

The intended result of the process is to repair injuries suffered by the victim and the community while assuring the reintegration of the offender. The basic principles of restorative justice are set out in Exhibit 5.2.

## Restoration Programs

Negotiation, mediation, consensus-building, and peacemaking have been part of the dispute resolution process in European and Asian communities for centuries.<sup>113</sup> Native American and First Nations (native Canadian) people have long used community participation in adjudication (for example, sentencing circles, sentencing panels, elder panels) that restorative justice advocates are now embracing.<sup>114</sup>

Based on Native American practices, in some communities, kids accused of breaking the law meet with community members, victims (if any), community leaders, and agents of the justice system in a **sentencing circle**. Each member of the circle expresses their feelings about the committed act and raises questions or concerns. The accused can

### sentencing circle

A peacemaking technique in which offenders, victims, and other community members are brought together in an effort to formulate a sanction that addresses the needs of all.



## Exhibit 5.2

### Basic Principles of Restorative Justice

- Crime is an offense against human relationships.
- Victims and the community are central to justice processes.
- The first priority of justice processes is to assist victims.
- The second priority is to restore the community, to the degree possible.
- The offender has personal responsibility to victims and the community for crimes committed.
- The offender will develop improved competency and understanding due to the restorative justice experience.
- Stakeholders share responsibilities for restorative justice through partnerships for action.

SOURCE: Anne Seymour, "Restorative Justice/Community Justice," in *National Victim Assistance Academy Textbook* (Washington, DC: National Victim Assistance Academy, 2001).

express regret about their actions and a desire to change the harmful behavior. People may suggest ways the offender can make things up to the community and those they harmed. A treatment program, such as Alcoholics Anonymous, can be suggested, if appropriate.

Restorative justice is now being embraced on many levels within our society and the justice system:

- *Community.* Communities that isolate people and have few mechanisms for interpersonal interaction encourage and sustain delinquency. Those that implement forms of community dialogue to identify problems and plan tactics for their elimination, guided by restorative justice practices and principles, may create a climate in which violent crime is less likely to occur.<sup>115</sup>
- *Schools.* Some schools have embraced restorative justice practices to deal with students involved in drug and alcohol abuse without resorting to more punitive measures such as expulsion. Schools in Minnesota, Colorado, and elsewhere involve students in "relational rehabilitation" programs that strive to improve individuals' relationships with key figures in the community who their actions may have harmed.<sup>116</sup>
- *Police.* Restorative justice has also been implemented by police when a crime is first encountered. The community policing models attempt to bring restorative concepts into law enforcement. Restorative justice relies policymakers' need to listen and respond to the needs of those who will be affected by their actions. Community policing relies on policies established with input and exchanges between officers and citizens.<sup>117</sup>
- *Courts.* Restorative programs in the courts typically involve diverting the formal court process. These programs encourage meeting and reconciling the conflicts between offenders and victims via victim advocacy, mediation programs, and sentencing circles, in which crime victims and their families are brought together with offenders and their families to formulate a sanction that addresses the needs of each party. Victims are given a chance to voice their stories, and offenders can help compensate them financially or provide some service (such as fixing damaged property).<sup>118</sup> The goal is to enable offenders to appreciate the damage they have caused, make amends, and reintegrate into society.

**Balanced and Restorative Justice (BARJ)** Gordon Bazemore has argued that restoration programs should focus on the concept of balance.<sup>119</sup> According to this approach, the juvenile justice system should give equal weight to these elements:

- *Holding offenders accountable to victims.* "Offender accountability" refers to the requirement that offenders make amends for the harm resulting from their crimes by repaying or restoring losses to victims and the community.

- *Providing competency development for offenders in the system so they can pursue legitimate endeavors after release.* Competency development, the rehabilitative goal for intervention, requires that people who enter the justice system should exit the system more capable of being productive and responsible in the community.
- *Ensuring community safety.* The community protection goal explicitly acknowledges and endorses a longtime public expectation—a safe and secure community.

The balanced approach means that justice policies and priorities should seek to address each of the three goals in each case and that system balance should be pursued. The goal of achieving balance suggests that no one objective can take precedence over any other without creating an unbalanced system and implies that efforts to achieve one goal (e.g., offender accountability) should not hinder efforts to achieve other goals.

BARJ is founded on the belief that justice is best served when the victim, community, and offender are viewed as equal clients of the justice system who will receive fair and balanced attention, be actively involved in the justice process, and gain tangible benefits from their interactions with the justice system.

Research efforts generally show that BARJ programs can effectively reduce offender recidivism rates. In addition to recidivism reduction, desired outcomes commonly include restoration, victim and offender satisfaction with the process and program completion. Research indicates the following circumstances affect the likelihood of program completion:

- Program completion is higher when there is a strong focus on restoration.
- The likelihood of completion, particularly for restitution and community service, may be related to the level of supervision and time for program completion.<sup>120</sup>

Program satisfaction for the victim and offender may be affected by several issues:

- Perceived fairness of the process and outcome increases satisfaction.
- Satisfaction with mediation activities is related to the mediator's attitude, increasing when activities occur in person.

## Focus on Delinquency

### Mentoring Effectiveness

Research assessing the overall effectiveness of mentoring in preventing delinquency conducted by Elizabeth Raposa and her colleagues found that it is modestly successful. They conducted a meta-analysis to estimate the impact of 70 intergenerational, one-on-one mentoring programs based on evaluation data collected between 1975 through 2017. The data represent more than 25,000 youth with an average age of 12. They looked at all outcome studies of intergenerational, one-on-one youth mentoring programs written in English.

Their analyses revealed that mentoring programs are a modestly effective intervention for youth at risk for various

psychosocial and academic problems. The data also showed that programs had a greater effect when they served a higher percentage of male youth. However, this finding was difficult to explain. They posit that girls may enter mentoring programs with more complicated relational histories than boys. This may initially hamper mentors' capacity to forge productive ties with girls.

They found programs with a greater percentage of mentors who worked in helping professions produced better outcomes. Volunteers with previous experience helping youth may feel a stronger sense of efficacy, which is often associated with better match outcomes.

- Voluntary participation by the victim affects satisfaction with the program. Though victims' desire to participate in BARJ programs is widespread, a small but substantial proportion prefer that the offender be processed through traditional juvenile justice means. Victim satisfaction with the program decreases when participation is mandatory.<sup>121</sup>

The following sections describe mentoring programs, another type of restorative program that has gained popularity around the nation.

**Mentoring Programs** Mentoring has now become one of the most widely used restoration programs. The goal is to link at-risk adolescents with a caring and responsible adult role model who can make a positive impression and provide the guidance which may be lacking in their lives. Youth mentoring programs connect adolescents and teens with volunteer adult mentors who can develop supportive relationships and help them succeed through childhood and adolescence.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has supported mentoring for many years in all parts of the United States. Notable programs include the Juvenile Mentoring Program (JUMP), the Mentoring Initiative for System Involved Youth (MISIY), and its latest initiative, a collaboration with MENTOR: The National Mentoring Partnership, which involved the launching of the online National Mentoring Resource Center.

The most common areas of increased risk for youths, based on many girls and boys enrolled in the program, are school and social/family domains. Mentors work one-on-one with young people.<sup>122</sup> Research has shown that mentoring and other delinquency prevention programs offered in group settings, particularly for high-risk youths, may end up causing more harm than good. By participating in these types of programs in groups, young people who are more chronically involved in delinquency may negatively affect those who are marginally involved in delinquency.<sup>123</sup>

**Effectiveness of Mentoring** Many comprehensive reviews of the effectiveness of mentoring programs here and abroad have been conducted. In one systematic review and meta-analysis of 18 mentoring programs, Darrick Jolliffe and David Farrington found that the average effect of participating in the program was a significant 10% reduction in delinquency.<sup>124</sup> Mentoring was more effective in reducing delinquency when the average duration of each contact between mentor and youth

Contrary to expectations, they found no significant differences between programs of different lengths. While longer relationships should yield more positive results, it may be less important in distinguishing overall levels of mentoring effectiveness across programs. In fact, programs that had expectations for longer match meeting times actually yielded fewer positive outcomes. Daylong activities or multiple hours of relationship-building per session might overtax the commitment of the mentor, youth, or youth's family, hampering positive outcomes. Models in which mentor and youth meetings occur over just a few days or weeks, or spaced over large intervals of time, may be more effective.

Findings from this meta-analysis provide support for one-on-one, caring relationships with adults. Mentoring is a low-cost intervention with the potential to reach large groups of youth and reduce the need for more intensive treatments. However, the modest results indicate that more research is needed to pinpoint the elements of mentoring that can bring the most positive results.

SOURCES: Elizabeth Raposa, Jean Rhodes, Geert Jan J. M. Stams, Noel Card, Samantha Burton, Sarah Schwartz, Laura A. Yoviene Sykes, Stella Kanchewa, Janis Kupersmidt, Saida Hussain "The Effects of Youth Mentoring Programs: A Meta-analysis of Outcome Studies," *Journal of Youth and Adolescence* 48 (2019): 423–443.

was greater in smaller-scale studies and when mentoring was combined with other interventions. A second systematic review and meta-analysis by Patrick Tolan and his colleagues examined the effects of mentoring on a wide range of areas, including delinquency, academic achievement, drug use, and aggression.<sup>125</sup> The review included 39 programs and found that mentoring positively affected all four areas, but the largest effects involved reductions in delinquency and aggression. Another survey found ample evidence that mentoring programs have the potential to contribute to positive outcomes for at-risk youth across a variety of demographic groups (e.g., age, gender, race/ethnicity) and program approaches, including cross-age peer, one-to-one, group, and both school- and community-based.<sup>126</sup> Promising programs include Reading for Life, a group mentoring program that uses works of literature to facilitate moral development and character education as an alternative to court prosecution for juveniles who have been adjudicated for their first or second time.<sup>127</sup> The effectiveness of mentoring programs tends to be enhanced by practices directed toward training and supporting mentors.<sup>128</sup> Furthermore, a strong emotional bond with one's mentor and related interpersonal experiences (e.g., when youth develop a sense that they matter) have emerged as important mechanisms through which mentoring relationships can promote positive outcomes, including the prevention of delinquent behavior. The Focus on Delinquency discusses the findings of a large-scale analysis of mentoring programs.

## Summary

### LO1 Explain the concept of symbolic interaction and the role symbols play in defining reality

- Social reaction theory, or labeling, holds that criminality is promoted by becoming negatively labeled by significant others.
- Social reaction theory reflects the concept of symbolic interaction.
- People communicate through symbols that can be gestures, words, or physical products.
- According to this view, those in power—moral entrepreneurs—wish to shape the law and justice process according to their own sense of morality.
- People are labeled deviant if they fall outside this subjective definition of good.

### LO2 Analyze how deviance is interpreted

- The definition of deviant is purely subjective.
- Social groups create the definition of deviance.
- The deviant is simply one to whom the label has successfully been applied; deviant behavior is behavior that people so label.
- Moral entrepreneurs strive to control the definition of deviant and outlawed behavior.
- The definition of crime and delinquency can change from place to place and year to year.

### LO3 Compare the terms *primary deviant* and *secondary deviant*

- According to Lemert, primary deviants are people who do bad acts but are not defined as deviants by others.
- Secondary deviants consider themselves deviants and are viewed by others as deviants.
- Secondary deviants accept a deviant identity as a personal role.
- Lemert suggests that people who accept labels are involved in secondary deviance, while primary deviants can maintain an undamaged identity.

### LO4 Identify and discuss the four quadrants of Becker's table of deviance and reaction

- Kids who engage in delinquency and also get caught and labeled are called *pure deviants*.
- *Conformists* are both rule-abiding and free of negative labels.
- Some kids are *falsely accused* or blamed for something they did not do.
- Some kids who continually break the rules can avoid labeling; these are called *secret deviants*.



**LO5 Summarize the unequal application of delinquent labels**

- An important principle of social reaction theory is that the law is differentially applied, benefiting those who hold economic and social power and penalizing the powerless.
- The probability of being brought under the control of legal authority is a function of a person's race, wealth, gender, and social standing.
- The labeling process favors the powerful members of society who direct its content and penalizes people whose actions represent a threat to those in control, such as minority group members and the poor who demand equal rights.

**LO6 Demonstrate the long-term effects of labels**

- If a devalued status is conferred by a significant other—teacher, police officer, elder, parent, or valued peer—the negative label and resulting stigma may cause permanent harm.
- Labeled kids may consider themselves social outcasts.
- When kids are labeled as troublemakers or social problems, they may join with similarly outcast delinquent peers in a clique or group that facilitates their antisocial behavior.

**LO7 Explain the strengths of the social reaction perspective**

- Social reaction identifies the role of social control agents in delinquency causation. Delinquent behavior cannot be fully understood if the agencies and individuals empowered to control and treat it are neglected.
- Social reaction recognizes that delinquency is not a disease or pathological behavior. It focuses attention on the social interactions and reactions that shape individual behavior.
- Social reaction theory distinguishes between delinquent acts (primary deviance) and delinquent careers (secondary deviance) and shows that these concepts must be interpreted and treated differently.

**LO8 Apply the core elements of social conflict theory**

- According to social conflict theory, those who hold power in contemporary society get to set the rules, control the law, and decide who is a deviant, delinquent, or criminal.
- Social conflict theory asserts that society is in a state of constant internal conflict and focuses on the role

of social and governmental institutions as mechanisms for social control.

- Globalization, which usually refers to the process of creating transnational markets and political and legal systems, has shifted the focus of critical inquiry to a world perspective.
- Globalization may have a profound influence on the future of indigent youth. Workers in the United States may be replaced in high-paying manufacturing jobs, not by machines but by foreign workers in overseas factories.

**LO9 Define the basic principles of Critical Race Theory**

- Race is a social construction—the way that race is defined and experienced results from social and political thought and actions that change over time.
- Racism is perpetuated in society through social processes above and beyond individual actions, cultural norms, institutional rules, and laws and regulations.
- Because the differential treatment of individuals based upon racial classification is embedded within social systems and institutions—including public policy and law—racism is commonplace.
- While racism is perpetuated at the structural/macro level in society, listening to and understanding the lived experiences of individuals is essential for understanding how racism works to create inequities in individual outcomes, including health.
- Intersectionality refers to the understanding that aspects of a person's social and political identity, including race, gender, religion, social position, disability, and appearance, combine to create different genres of discrimination and privilege.

**LO10 Illustrate how restoration can reduce delinquent behaviors**

- Restoration techniques include negotiation, mediation, consensus-building, sentencing circles, sentencing panels, and elder panels.
- According to restorative justice, rather than punishing, shaming, and excluding those who violate the law, efforts should be made to use humanistic techniques that reintegrate people into society.
- Restorative programs rely on victims, relatives, neighbors, and community institutions rather than courts and prisons.
- Two well-known restorative programs are Family Group Conferencing (FGC) and the Balanced and Restorative Justice (BARJ) approach.

## Key Terms

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social reaction theory, p. 180  
social conflict theory, p. 180  
symbolic interaction, p. 181  
status symbol, p. 181  
primary deviance, p. 183  
secondary deviance, p. 183

retrospective reading, p. 184  
dramatization of evil, p. 184  
self-fulfilling prophecy, p. 184  
stigmatize, p. 185  
degradation ceremony, p. 185  
reflected appraisals, p. 188

deinstitutionalization, p. 191  
intersectionality, p. 192  
restorative justice, p. 197  
shame, p. 197  
reintegrative shaming, p. 198  
sentencing circle, p. 200

## Questions for Discussion

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1. How would a restorative justice advocate respond to a proposed policy easing the waiver of youth to adult court?
2. Considering recent changes in American culture, how would a critical theorist explain an increase in the juvenile gang population?
3. Is conflict inevitable in all cultures? If not, what can be done to reduce the level of conflict in our own society?
4. One way to reduce stigma and labeling would be to legalize acts that are now considered illegal. If you have the power, what would you legalize, and what might be the consequences?
5. Are you familiar with any “retrospective reading” instances in your hometown? Have you ever engaged in it yourself, saying, “I always knew he had problems”?

## Viewpoint

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You are a civil court judge who must decide on a case brought by Tahir Najjar, a 14-year-old sophomore at a local high school. According to the facts presented in the suit, Tahir brought a disassembled clock to school, wanting to show his teachers that he could build a clock from spare parts. He worked on the contraption in a school lab room. When completed, it had wires and gears connected to a circuit board with a digital display, all contained in a small metal case decorated with a tiger hologram. Ahmed’s engineering teacher admired the clock but advised him to keep it out of sight. When the alarm accidentally went off in English class, the clock was confiscated because the teacher thought it looked like a bomb; the principal called the police. Five police officers interrogated the boy for an hour and a half, asking about his intentions for bringing the clock to school. Though Tahir repeated that he just wanted to show his teachers what he could make, the police still suspected he was trying to make a bomb. He was taken out of school in handcuffs and brought to a juvenile detention center, where he was fingerprinted, required to take a mug shot, and further questioned before being released to his parents. He was suspended from school for three days.

After the incident, shaken by what had happened, Tahir and his family moved to Qatar where he attended school before returning to the United States. The family then hired an attorney who filed suit against the school district. The suit cited disproportionate disciplinary actions against children of color and history of anti-Muslim bias. The lawsuit alleges that Tahir was discriminated against based on his race and religion. It also claims that his Fourth Amendment rights were violated when the police and the high school principal interrogated him for over an hour without the presence of his parents before he was arrested.

How would you decide the case? Was Tahir unfairly targeted and stigmatized because he was a Muslim? Or were the teacher and principal being understandably cautious in a world where bombings and terror attacks have become routine? The lawsuit assumes that if a White Christian boy had brought the same device into the school, he would have been praised for ingenuity. Do you believe that Tahir was interrogated and arrested solely because of his appearance and beliefs?

# Doing Research on the Web

There are similar cases to Tahir's. For one, check out Ashley Fantz, Steve Almasy and AnneClaire Stapleton, Muslim teen Ahmed Mohamed creates clock, shows teachers, gets arrested, CNN September 16, 2015, <https://www.cnn.com/2015/09/16/us/texas-student-ahmed-muslim-clock-bomb/index.html>.

The ACLU is concerned with student rights. See their website at <https://www.aclu.org/know-your-rights/students-rights>.

## Notes

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# 6

# Developmental Theories of Delinquency:

## Life-Course, Propensity, and Trajectory

### Learning Objectives

- 1 Trace the history of and influences on developmental theory
- 2 Compare and contrast the three forms of developmental theory
- 3 Describe the principles of the life-course approach to developmental theory
- 4 Explain the concept of problem behavior syndrome
- 5 Articulate the principles of Sampson and Laub's age-graded life-course theory
- 6 Define the concept of a latent trait
- 7 Outline the principles and assumptions of the General Theory of Crime (GTC)
- 8 Discuss both the strengths and weaknesses of the GTC
- 9 Identify the different trajectories delinquency takes
- 10 Distinguish between adolescent-limited and life-course persistent offenders

### Chapter Outline

#### The Creation of a Developmental View of Delinquency

Developmental Theory Today

#### Life-Course Theory

Negative Life Events  
Life-Course Concepts  
Persistence and Desistance  
Theories of the Delinquent Life Course  
Age-Graded Theory

#### Propensity Theory

General Theory of Crime

#### Trajectory Theory

Late Bloomers and Nonstarters  
Pathways to Delinquency  
Adolescent-Limited and Life-Course  
Persistent Offenders

#### Evaluating Developmental Theories

#### Public Policy Implications of Developmental Theory

### Chapter Features

**Focus on Delinquency:** Persistence vs. Desistance

**Focus on Delinquency:** Shared Beginnings, Divergent Lives

**Focus on Delinquency:** Craig Price

**Treating Delinquency:** Fast Track

**From the beginning,** Rose Field was troubled. Her home life in Oklahoma was no bargain. When she was 6, her mother's fiancé began to molest her. She was having sex with boys by age 12; at 13, she was assaulted by schoolmates; at 14, boys were bragging that she would do whatever they asked. Field never dared to say no, even when she didn't want to have sex because she craved love and was willing to do whatever it took to feel wanted. She began to cut herself, drink, and take pills by the time she was 15; she even attempted suicide. Her mother and stepfather could not find any other solution to her problems, so they shipped her off to live with her grandmother in Florida. Alone and afraid, Field started to hang out with a group of older boys. She told a friend, "I didn't want to injure myself, and that's why I began to act tough and injure other people."

In 1997, after a night of drinking, Rose and an 18-year-old friend named Cliff Gilman hailed a cab. Once entering the vehicle, they committed an unplanned robbery using a gun that Gilman had purchased. The driver was shot in the head and died several days later. Each of the teenagers later said the other had done the shooting.

Because of the seriousness of the crime, 15-year-old Rose was tried as an adult. While it was never clear who fired the death shot or precisely what happened that night, a jury found both Rose and Cliff guilty of felony murder, a crime that carries a mandatory sentence of life without parole. The jury foreman, Earl Saunders, said later that jurors were willing to find Rose guilty of murder even if she did not do the actual shooting because she was present at the robbery and instrumental in its commission. "It broke my heart," said Saunders. "As tough as it is, based on the crime, I think it's appropriate. It's terrible to put a 15-year-old behind bars forever, but she did take someone's life."

Now 40 years old, Rose is highly contrite and feels terrible about her reckless teenage behavior. She is in contact with the cab driver's widow, asking her for forgiveness. The widow, a religious woman, has granted forgiveness and now agrees that a life sentence was



Image Source/Getty Images

too harsh a penalty for a 15-year-old girl. The Supreme Court seems to agree, ruling that Rose Field and other juvenile criminals should be eligible for parole. In the 2012 U.S. Supreme Court case *Miller v. Alabama*, the court held that a mandatory life sentence without parole for juveniles is unconstitutional.<sup>1</sup> In 2016, in *Montgomery v. Louisiana*, the court made it mandatory in all states that the *Miller* doctrine be applied retroactively, allowing juveniles convicted of murder to be considered for parole.<sup>2</sup>

Should someone like Rose Field be eligible for parole? The person she is today may have little resemblance to the troubled person she was when she committed her crime. She has written letters to the victim's family apologizing for her crimes. Because mandatory life sentences for teens convicted of murder are no longer constitutional, her attorneys petitioned the court in 2020 for a sentencing review hearing. Things did not turn out well: the hearing judge ruled that considering all factors, Rose's life sentence was justified; she will be eligible for a second sentencing review in 2035, when she will be 53 years old. Do you agree with the court's decision to keep her behind bars for 15 more years? What is the purpose of keeping her incarcerated?



Rose Field's story is not atypical. Many kids face significant social and emotional problems as children, are troubled as adolescents, and then drift into serious crime patterns as teens; many, but not all, continue their delinquent way of life into adulthood. Was Rose's crime a single incident that would never have been repeated had she gotten away or the first in a series of escalating crimes that would have continued until she was dead or imprisoned?

This pattern of behavior is not lost on those delinquency experts who see delinquency as an ongoing, evolving process traceable to an adolescent's earliest childhood. Many young offenders, like Field, have a long history of problematic behaviors. Yet the majority can transition out of delinquency as they mature into adulthood. Some persist in crime throughout their life, continually planning and getting involved in criminal acts of greater seriousness. Rather than be deterred by punishment, their experiences enmesh them, first in a delinquent way of life and then later in an adult criminal career.<sup>3</sup>

Because serious juvenile offending is rarely a "one-shot deal," delinquency experts now recognize that it is important to chart the natural history of a delinquent career. Why do some kids abandon delinquent behaviors as they mature, while others persist in antisocial behavior into adulthood? Why do some offenders escalate their delinquent activities while others decrease or limit their law violations? Why do some specialize in particular delinquent acts while others become generalists who shoplift, take drugs, engage in violence, steal cars, and so on? Why do some delinquents reduce their criminal activity for a brief period only to resume it later in life?<sup>4</sup>

We also know that some offenders begin their delinquent careers early, whereas others begin later. How can early- and late-onset delinquency be explained?

Focusing attention on these questions has produced what is known as the **developmental theory** of delinquency, a view that looks at the onset, continuity, and termination of a delinquent career. In this chapter, we look at these theories that recognize that delinquent and criminal behavior is not an unchanging human characteristic but one that ebbs and flows over the life course. While antisocial behavior is relatively uncommon during early childhood, even preadolescents may commit crimes if the conditions are right. While most delinquent offenders reduce their offending behavior by their mid-twenties, a few persist unabated into adulthood. Traditional theories of crime and delinquency neither distinguish among different phases of criminal careers nor explain these differences in offending trajectories. This chapter will review developmental theories of delinquency and the various forms they take.

#### developmental theory

The view is that delinquency is a dynamic process influenced by social experiences and individual characteristics.

#### LO1

Trace the history of and influences on developmental theory

## The Creation of a Developmental View of Delinquency

The foundation of developmental theory can be traced to the pioneering work of Sheldon Glueck and Eleanor Glueck. While at Harvard University in the 1930s, the Gluecks popularized research on the life cycle of delinquent careers. In a series of longitudinal research studies, they followed the careers of known delinquents to determine the social, biological, and psychological characteristics that predicted persistent offending.<sup>5</sup> The Gluecks extensively used interviews and records in their elaborate comparisons of delinquents and nondelinquents.<sup>6</sup>

The Gluecks' research focused on the early onset of delinquency as a harbinger of a delinquent career: "The deeper the roots of childhood maladjustment, the smaller the chance of adult adjustment."<sup>7</sup> They also noted the stability of offending careers: children who are antisocial early in life are the most likely to continue their offending careers into adulthood.

The Gluecks identified several personal and social factors related to persistent offending. The most important of these factors was family relations, considered in terms of quality of discipline and emotional ties with parents. The adolescent raised in a large, single-parent family of limited economic means and educational achievement was the most vulnerable to delinquency.



The Gluecks did not restrict their analysis to social variables. When they measured biological and psychological traits such as body type, intelligence, and personality, they found that physical and mental factors also played a role in determining behavior. Children with low intelligence, a background of mental disease, and a powerful (mesomorph) physique were the most likely to become persistent offenders.

The Philadelphia cohort research by Marvin Wolfgang and his associates was another milestone prompting interest in explaining delinquent career development.<sup>8</sup> As you may recall (Chapter 2), Wolfgang found that while many offenders commit a single delinquent act and desist from crime, a small group of chronic offenders engage in frequent and repeated delinquent activity and continue to do so across their life span. Wolfgang's research focused attention on delinquent careers and chronic criminality. Delinquency experts were now forced to ask this fundamental question: What prompts one adolescent to engage in persistent delinquent activity, while another, who on the surface suffers the same life circumstances, finds a way to avoid delinquency and travel a more conventional path?

## Developmental Theory Today

From these roots, a developmental theory of delinquency has developed. Today, there are actually three independent yet interrelated developmental views. The first, referred to as the **life-course theory**, suggests that delinquent behavior is a dynamic process influenced by individual characteristics and social experiences. The factors that cause antisocial behaviors change dramatically over a person's life span.

Another group of scholars has challenged the life-course theory; they suggest that human development is controlled by a hidden master trait that remains stable and unchanging throughout a person's lifetime. As people travel through their life course, this **latent trait** or **propensity** is always there, directing their behavior. Because this underlying characteristic is enduring, an individual's involvement in antisocial behavior is shaped less by personal change and attributes and more by external forces such as opportunity, need, and circumstance. Delinquency may increase when an adolescent joins a gang, which provides him with more opportunities to commit a crime and the support he needs to carry out criminal acts. In other words, the propensity to commit delinquent acts is constant, but the opportunity to commit them constantly fluctuates.

A third developmental view suggests there are multiple trajectories in a delinquent career. According to this approach, subgroups within a population follow distinctively different developmental trajectories toward and away from a delinquent career. Some kids may begin early in antisocial activities and demonstrate a propensity for crime, while others begin later and are influenced by life circumstances. **Trajectory theory** suggests that there is no single delinquent pathway, and there are different types and classes of offenders.<sup>9</sup>

The main points, similarities, and differences of these positions are set out in Exhibit 6.1.

## Life-Course Theory

According to life-course theory, delinquency is constantly evolving, and the factors that produce antisocial behaviors at one point in the life cycle may not be relevant at another. While some people tend to offend early in their lives, the nature and frequency of their activities are often affected by external forces shaping their personal development.<sup>10</sup>

Even as toddlers, people begin relationships and behaviors that will determine their adult life course. At first, they must learn to conform to social rules and function effectively in society. Later they are expected to begin to think about careers, leave their parental homes, find permanent relationships, and eventually marry and begin their own families.<sup>11</sup> These transitions are expected to occur in order—beginning with completing school, entering the workforce, getting married, and having children.

### LO2

Compare and contrast the three forms of contemporary developmental theory

#### life-course theory

Focuses on changes in criminality over the life course; developmental theory.

#### latent trait

A stable feature, characteristic, property, or condition, such as defective intelligence or impulsive personality, that makes some people delinquency prone over the life course.

#### propensity

An innate inclination, preference, or tendency to act in a specific way.

#### trajectory theory

The view that there are multiple independent paths to a delinquent career and that there are different types and classes of offenders.

### LO3

Describe the principles of the life-course approach to developmental theory

## Exhibit 6.1

# Developmental Theories

### Propensity Theory

- People have a master trait: personality, intelligence, genetic makeup.
- People do not change; delinquent opportunities change; maturity brings fewer opportunities.
- Early social control and proper parenting can reduce delinquent propensity.

### Life-Course Theory

- People change over the life course.
- The factors that influence antisocial behavior evolve as a person matures.
- Evolving informal social controls help at-risk kids avoid criminal careers.

### Trajectory Theory

- There is more than one path to a delinquent career.
- There are different types of offenders and offending patterns.

- Some kids start their offending careers while they are quite young, another group begins when they are older, and others can avoid any antisocial activities.

### Similarities Within the Three Developmental Views

- Focus on delinquent careers.
- Delinquency must be viewed as a path rather than an event.
- Delinquent careers are the focus.
- Integration of multiple factors.

### Differences Among the Three Developmental Views

- Propensity: An unseen and unchanging latent trait controls antisocial behavior.
- Life course: People are constantly evolving.
- Trajectory: The focus is on the different paths people take, from delinquency to crime.

Some individuals, however, are incapable of maturing reasonably and timely because of family, environmental, or personal problems.<sup>12</sup> In some cases, transitions can occur too early—an adolescent girl who engages in precocious sex gets pregnant and is forced to drop out of high school. In other cases, transitions may occur too late—a teenage male falls in with the wrong crowd, goes to prison, and subsequently finds it difficult to break into the job market; he puts off getting married because of his diminished economic circumstances. Sometimes interruption of one transition can harm another. A teenager who has family problems may find that her educational and career development is upset or that she suffers from psychological impairments.<sup>13</sup> Because a transition from one stage of life to another can be a bumpy ride, the propensity to commit crimes is neither stable nor constant: it is a developmental process.

Kids who get in trouble early may find it difficult to shake the criminal way of life as they mature. Those who join gangs are more likely to get involved in antisocial behavior after they leave the gang than before they joined; gang membership creates long-term disruptions.<sup>14</sup> One reason is that joining a gang can lead to educational underachievement, a factor routinely associated with career criminality.<sup>15</sup> Youths who join gangs are 30% less likely to graduate from high school and 58% less likely to earn a four-year degree than youths of similar backgrounds who do not become gang members.<sup>16</sup> But even those who have been in trouble throughout their adolescence may manage to find stable work and maintain intact marriages as adults; these life events help them desist from crime. In contrast, less fortunate adolescents who develop arrest records and get involved with the wrong crowd may find themselves at risk for delinquency and later adult criminal careers.<sup>17</sup>

## Negative Life Events

Regardless of the cause of their early externalizing behaviors, as children mature, they undergo cognitive changes, and their thinking patterns change. While some may persist in their illegal conduct, personal maturity may help others reduce their attraction to antisocial activities. Teens who want to drink, take drugs, and get in

trouble may go through a positive transformation in their thinking in early adulthood, helping them to desist from crime.<sup>18</sup>

In contrast, disruptions in life's major transitions can be destructive and ultimately can promote long-term criminal careers. Those already at risk because of socioeconomic problems or family dysfunction are the most susceptible to these awkward transitions. According to this view, delinquency cannot be attributed to a single cause, and it does not represent a single underlying tendency.<sup>19</sup> A social or personal factor that may have an important influence at one stage of life (such as delinquent peers) may have little influence later on.<sup>20</sup> These negative life events can become cumulative: as people acquire more personal deficits, the chances of acquiring additional ones increase.<sup>21</sup> The cumulative impact of these disruptions sustains antisocial behaviors from childhood into adulthood.<sup>22</sup>

Life-course theories also recognize that as people mature, the factors that influence their behavior change.<sup>23</sup> As people make important life transitions—from child to adolescent, adolescent to adult, and unwed to married—the nature of social interactions changes.<sup>24</sup> At first, family relations may be most influential; it comes as no shock to life-course theorists when research shows that antisocial behavior runs in families and that having criminal relatives is a significant predictor of future misbehaviors.<sup>25</sup> In later adolescence, school and peer relations predominate; vocational achievement and marital relations may be the most critical influences in adulthood. Some antisocial children who are in trouble throughout their adolescence may manage to find stable work and maintain intact marriages as adults; these life events help them desist from crime. In contrast, less fortunate adolescents who develop arrest records and get involved with the wrong crowd may find themselves at risk for delinquency and later adult criminal careers.<sup>26</sup>

## Life-Course Concepts

The following sections discuss some of the more important concepts associated with this newly emerging developmental perspective of delinquency in detail.

**Problem Behavior Syndrome** Delinquency may best be understood as one of many social problems at-risk youth face, a view called **problem behavior syndrome (PBS)**. Those who suffer from PBS are prone to more personal difficulties than the general population.<sup>27</sup> They find themselves with a range of personal dilemmas, from drug abuse to being accident prone, requiring more health care and hospitalization, becoming teenage parents, and having mental health problems.<sup>28</sup> PBS has also been linked to individual-level personality problems (such as impulsiveness, rebelliousness, and low ego), family problems (such as intrafamily conflict and parental mental disorder), substance abuse, poor health, and educational failure.<sup>29</sup>

According to this view, delinquency is one of these interrelated social problems that seem to cluster together.<sup>30</sup> People who suffer from one of these conditions typically exhibit symptoms of the rest.<sup>31</sup> All varieties of delinquent behavior, including violence, theft, and drug offenses, may be part of a generalized PBS, indicating that all forms of antisocial behavior have similar developmental patterns.<sup>32</sup> Take these patterns, for example:

- Adolescents with a history of gang involvement are more likely to have been expelled from school, be binge drinkers, test positive for marijuana, have been in three or more fights in the past six months, and test positive for sexually transmitted diseases.<sup>33</sup>
- Kids who gamble and take risks at an early age also take drugs and commit crimes.<sup>34</sup>
- People who suffer childhood trauma also commit crimes as adults, are sent to prison, and are likely to attempt suicide.<sup>35</sup>

Teens who are chronic offenders are more likely to have greater than average mortality rates.<sup>36</sup> Delinquent and criminal conduct has been found to increase the chances of premature death due to several factors, including accidents, homicide,

### LO4

Explain the concept of problem behavior syndrome

#### problem behavior syndrome (PBS)

A cluster of antisocial behaviors that may include family dysfunction, substance abuse, smoking, precocious sexuality and early pregnancy, educational underachievement, suicide attempts, sensation seeking, and unemployment, as well as delinquency.

and suicide. The more serious, frequent, and long-lasting the delinquent career, the more likely the offender will suffer premature death.<sup>37</sup>

In sum, problem behavior syndrome portrays delinquency as a social problem rather than the product of other social problems.<sup>38</sup>

**Offense Specialization/Generalization** Life-course theory recognizes that some offenders are specialists, limiting their delinquent activities to a cluster of theft offenses, including burglary and larceny, or violent offenses, such as assault and rape.<sup>39</sup> However, most are generalists who engage in a garden variety of delinquent activities ranging from drug abuse, burglary, and/or rape, depending on the opportunity to commit crime and the likelihood of success.<sup>40</sup>

There is an ongoing debate over generalization/specialization. Some experts claim they have found evidence that more serious offenders soon begin to specialize in a narrower range of antisocial activities.<sup>41</sup> This claim means that only a single group of delinquents start generalizing but soon begin to specialize in a particular type of antisocial behavior.

It is also possible that the offender's immediate circumstances dictate the choice of crime. Some offenders may wish to specialize but are forced to engage in a wide variety of offenses because of limitations on the type of criminal acts that are their specialty.<sup>42</sup> For example, burglars may also commit robberies and auto theft when new burglar alarms and other security measures limit their access to homes.<sup>43</sup>

**Age of Onset** Most life-course theories assume that the seeds of a delinquent career are planted early in life and that the early onset of deviance strongly predicts later and more serious delinquency.<sup>44</sup> Children who will later become the most serious delinquents begin their deviant careers at a very early (preschool) age, and the earlier the onset of delinquency, the more frequent, varied, and sustained the delinquent career.<sup>45</sup> Children who are aggressive and antisocial during their public school years are much more likely to be troublesome and aggressive in adulthood.<sup>46</sup>

Early-onset delinquents seem to be more involved in aggressive acts ranging from cruelty to animals to peer-directed violence.<sup>47</sup> In contrast, late starters are more likely to be involved in nonviolent crimes such as theft.<sup>48</sup> Research by Daniel Nagin and Richard Tremblay shows that late-onset physical aggression is the exception, not the rule and that the peak frequency of physical aggression occurs during early childhood and generally declines thereafter.<sup>49</sup>

What causes some kids to begin offending at an early age? Among the suspected root causes are poor parental discipline and monitoring, inadequate emotional support, distant peer relationships, and psychological issues and problems.<sup>50</sup> Research shows that poor parental discipline and monitoring are keys to the early onset of delinquency. These influences may follow kids into adulthood, helping them shift from one form of deviant lifestyle to another.<sup>51</sup>

Another suspected cause of early onset is biological. Some adolescents reach puberty ahead of schedule, thrusting them into roles and behavior that they are not mature enough to handle. Kids who mature early start associating with older teens, who introduce them to substance abuse and other reckless behaviors; these experiences are highly associated with delinquency. Girls may start dating older boys, another risky endeavor. In contrast, late-maturing girls have a lower risk of delinquency primarily because they are subject to greater parental supervision. They are also less likely to get involved with older boys and have friends who are also "late bloomers." They help protect and shield each other from the lure of anti-social behavior.<sup>52</sup>

Why is early onset so important? The earlier the onset of crime, the longer its duration.<sup>53</sup> The psychic scars of childhood are hard to erase.<sup>54</sup>

Starting early in delinquent behavior creates a downward spiral in a young person's life.<sup>55</sup> After that, tension may begin to develop with parents and other family members, emotional bonds to conventional peers become weakened and



frayed, and opportunities to pursue conventional activities, such as sports, dry up and wither away. Replacing these activities is closer involvement with more deviant peers and a delinquent way of life.<sup>56</sup> At an early age, children who are improperly socialized by unskilled parents are the most likely to rebel by wandering the streets with deviant peers.<sup>57</sup> In middle childhood, social rejection by conventional peers and academic failure sustain antisocial behavior; in later adolescence, commitment to a deviant peer group creates a training ground for crime. While others can age out of delinquency or desist, the youngest and most serious offenders may persist in their delinquent activity into late adolescence and even adulthood.

## Persistence and Desistance

The best predictor of future behavior is past behavior. Kids who are “in trouble” at a very young age are most likely to become adult offenders.<sup>58</sup> Bad behavior is self-sustaining. Made to feel like outcasts, kids involved in anti-social activities seek others to whom they can relate.<sup>59</sup> And if similar kids are not available, they may infect others, recruiting those who were delinquency free, thereby creating an ever-widening circle of peers and acquaintances who support deviant behavior.<sup>60</sup>

Children repeatedly in trouble during early adolescence will generally still be antisocial in their middle teens; those who display conduct problems in youth are the ones most likely to commit crimes as adults.<sup>61</sup> Delinquent activity is sustained for many reasons. Law violators and rule breakers seem to lack the social survival skills necessary to find work or to develop the interpersonal relationships they need to allow them to desist. They fail to receive sufficient social support from both institutions and individuals to allow them to break off from a delinquent path.<sup>62</sup> Due to these deficits, life course persisters have a pessimistic view of life. They believe they are likely to experience substance abuse, getting arrested, and other negative life experiences, thoughts that may make persistent offending seem like an attractive alternative.<sup>63</sup>

Desistance may also be hard to achieve because, to some, it’s a frightening experience. Going straight may mean giving up familiar, albeit illegal, activities and friends they feel comfortable with. It’s hard to imagine leaving the gang to get married, have kids, and join the PTA.<sup>64</sup> Would they ever be fully accepted? And if not, why bother desisting?

If persistence is the norm, then why are some kids able to desist? Peggy Giordano and her associates found that desistance involves cognitive transformation.<sup>65</sup> To discontinue their delinquent activity, kids who desist must go through a constant learning process. They must begin seeing the world differently and learn from experience to knife off from a delinquent way of life.

A classic study of delinquent persistence and desistance is reviewed in the Focus on Delinquency feature.

## Theories of the Delinquent Life Course

Several systematic theories account for onset, continuance, and desistance from crime. They typically interconnect *personal factors* such as personality and intelligence, *social factors* such as income and neighborhood, *socialization factors* such as marriage and military service, *cognitive factors* such as information processing and attention/perception, and *situational factors* such as delinquent opportunity, effective guardianship, and apprehension risk. In this sense, they are **integrated theories** because they incorporate these social, personal, and developmental factors into complex explanations of human behavior. They do not focus on the relatively simple question—why do people commit crime?—but on more complex issues: Why do some offenders persist in delinquent careers while others desist from or alter their

### integrated theories

Theories that incorporate social, personal, and developmental factors into complex explanations of human behavior.

### Persistence vs. Desistance

One of the most important sources of data on this issue comes from the Cambridge Study in Delinquent Development, which has followed the offending careers of 411 London boys born in 1953. This cohort study, directed by David Farrington, is one of the most serious attempts to isolate the factors that predict the lifelong continuity of delinquent behavior. The study uses self-report data as well as in-depth interviews and psychological testing. The boys were interviewed eight times over 24 years, beginning at age 8 and continuing to age 32.

Farrington has identified factors that predict the discontinuity of delinquent offenses. He found that some kids with backgrounds that put them at risk of becoming chronic delinquent offenders either remain nonoffenders or begin a delinquent career and then later desist. The factors that protect high-risk youths from beginning delinquent careers include having a somewhat shy personality, few friends (at age 8), nondeviant families, and high regard of their mothers. Shy children with few friends avoided damaging relationships with other adolescents (members of a high-risk group) and were, therefore, able to avoid delinquency.

Personal abilities were found to counteract or neutralize delinquency-promoting factors. Youths with high nonverbal intelligence, high verbal intelligence, and educational success while in high school were protected from the effects of poor childrearing practices. Similarly, at-risk youth who enjoyed higher than average family incomes were protected from the influence of deviant parents. In other words, the effects of living with a parent involved in crime were offset by the size of mom and dad's bank account.

Farrington suggests that life experiences shape the direction and flow of behavior choices. He finds that while there may be continuity in offending, the factors that predict delinquency at one point in the life course may not be the ones that predict delinquency at another. Although most adult delinquents begin their careers in childhood, life events may

help some children forgo delinquency as they mature—for example, by finding a relatively good job. Conversely, unemployment seemed to be related to the escalation of theft offenses; violence and substance abuse were unaffected by unemployment. In a similar vein, getting married also helped diminish delinquent activity. However, choosing a spouse who was also involved in delinquent activity and had a delinquent record increased illegal activities and helped them to persist in crime.

Physical relocation also helped some offenders desist because they were forced to sever ties with co-offenders. For this reason, leaving the city for a rural or suburban area was linked to reduced delinquent activity.

#### Critical Thinking

Although employment, marriage, and relocation helped potential offenders desist, not all desisters found success. At-risk youths who managed to avoid delinquent convictions were unlikely to avoid other social problems. Rather than becoming prosperous homeowners with flourishing careers, they tended to live in unkempt homes and have large debts and low-paying jobs. They were also more likely to remain single and live alone. Youths who experienced social isolation at age 8 were also found to experience it at age 32. Does this mean that efforts to help delinquents are doomed to fail? Even if they do not enter a delinquent way of life, are they fated to suffer other debilitating social problems?

SOURCES: David Farrington, Maria Ttofi, and Alex Piquero, "Risk, Promotive, and Protective Factors in Youth Offending: Results from the Cambridge Study in Delinquent Development," *Journal of Criminal Justice* 45:63–70 (2016); David Farrington, "Key Results from the First Forty Years of the Cambridge Study in Delinquent Development," in Terence Thornberry and Marvin Krohn, eds., *Taking Stock of Delinquency: An Overview of Findings from Contemporary Longitudinal Studies* (New York: Kluwer, 2002), pp. 137–185; David Farrington, "The Development of Offending and Anti-Social Behavior from Childhood: Key Findings from the Cambridge Study of Delinquent Development," *Journal of Child Psychology and Psychiatry* 36:2–36 (1995); David Farrington, *Understanding and Preventing Youth Crime* (London: Joseph Rowntree Foundation, 1996).

delinquent activity as they mature?<sup>66</sup> Why do some people continually escalate their delinquent involvement while others slow down and turn their lives around? Are all delinquents similar in their offending patterns, or are there different types of offenders and paths to offending? Life-course theorists want to know not only why people enter a delinquent way of life but why, once they do, they alter the trajectory of their delinquent involvement. Exhibit 6.2 describes three of the more important life-course theories, and the next section details Sampson and Laub's age-graded theory.

## Exhibit 7.2

# Principal Life-Course Theories

### Social Development Model

**Principal Theorists.** J. David Hawkins, Richard Catalano

**Major Premise.** Community-level risk factors make some people susceptible to antisocial behaviors. Preexisting risk factors are either reinforced or neutralized by socialization. To control the risk of antisocial behavior, a child must maintain prosocial bonds. Over the life course, involvement in prosocial or antisocial behavior determines the quality of attachments. Commitment and attachment to conventional institutions, activities, and beliefs insulate youths from the criminogenic influences in their environment. The prosocial path inhibits deviance by strengthening bonds to prosocial others and activities. Without the proper level of bonding, adolescents can succumb to the influence of deviant others.

### Interactional Theory

**Principal Theorists.** Terence Thornberry and Marvin Krohn, Alan Lizotte, Margaret Farnworth

**Major Premise.** The onset of crime can be traced to a deterioration of the social bond during adolescence, marked by weakened attachment to parents, commitment to school, and belief in conventional values. The cause of delinquency is bidirectional: Weak bonds lead kids to develop friendships with deviant peers and get involved in delinquency. Frequent delinquency involvement further weakens bonds and makes it difficult to reestablish conventional ones. Delinquency-promoting factors tend to reinforce one another and sustain a chronic criminal career. Kids who go through stressful life events such as a family financial crisis are more likely to later get involved in antisocial behaviors and vice versa. Delinquency is a

developmental process that takes on different meanings and forms as a person matures. During early adolescence, attachment to the family is critical. By mid-adolescence, the family's influence is replaced by friends, school, and youth culture; by adulthood, a person's behavioral choices are shaped by their place in conventional society and their own nuclear family. Although these social forces influence delinquency, it also influences these processes and associations. Therefore, delinquency and social processes are interactional.

### Social Schematic Theory (SST)

**Principal Theorists.** Ronald Simons and Callie Burt

**Major Premise.** According to social schematic theory (SST), people develop schemas or cognitive shortcuts to organize and interpret information. In some instances, schemas can exclude pertinent information and instead focus only on things that confirm preexisting beliefs and ideas. If a member of some group commits a notorious crime, we think "those people are all criminals," forgetting that the vast majority in any grouping are law-abiding citizens. Simons and Burt argue that seemingly unrelated family, peer, and community conditions—harsh parenting, racial discrimination, and community disadvantage—lead to crime because the lessons communicated by these events promote social schemas involving (a) a hostile view of people and relationships, (b) a preference for immediate rewards, and (c) a cynical view of conventional norms. When people encounter a stressful situation, these past experiences control responses. Negative life experiences allow some kids to legitimize their antisocial behavior: people abused me, so it's okay to abuse other people.

SOURCES: Terence Thornberry, "Toward an Interactional Theory of Delinquency," *Criminology* 25:863–891 (1987); Richard Catalano and J. David Hawkins, "The Social Development Model: A Theory of Antisocial Behavior," in J. David Hawkins, ed., *Delinquency and Crime: Current Theories* (New York: Cambridge University Press, 1996), pp. 149–197; Ronald Simons and Callie Harbin Burt, "Learning to Be Bad: Adverse Social Conditions, Social Schemas, and Crime," *Criminology* 49:553–598 (2011); Ronald Simons, Callie Burt, Ashley Barr, Man-Kit Lei, and Eric Stewart, "Incorporating Routine Activities, Activity Spaces, and Situational Definitions into the Social Schematic Theory of Crime," *Criminology* 52:655–687 (2014).

## Age-Graded Theory

In an influential 1993 work, *Crime in the Making*, Robert Sampson and John Laub formulated the age-graded theory of informal social control (Figure 6.1). This theoretical model is considered the most widely accepted and researched life-course view.

In their pioneering research, Laub and Sampson reanalyzed the data originally collected by the Gluecks and found that while individual traits and childhood experiences are important in understanding the onset of delinquent and criminal behavior, they alone cannot to explain the continuity of crime from delinquency to adult criminality.<sup>67</sup>

How can the continuity of crime be explained? To answer this question, Laub and Sampson formulated the age-graded theory of informal social control. Here

LO5

Articulate the principles of Sampson and Laub's age-graded life-course theory

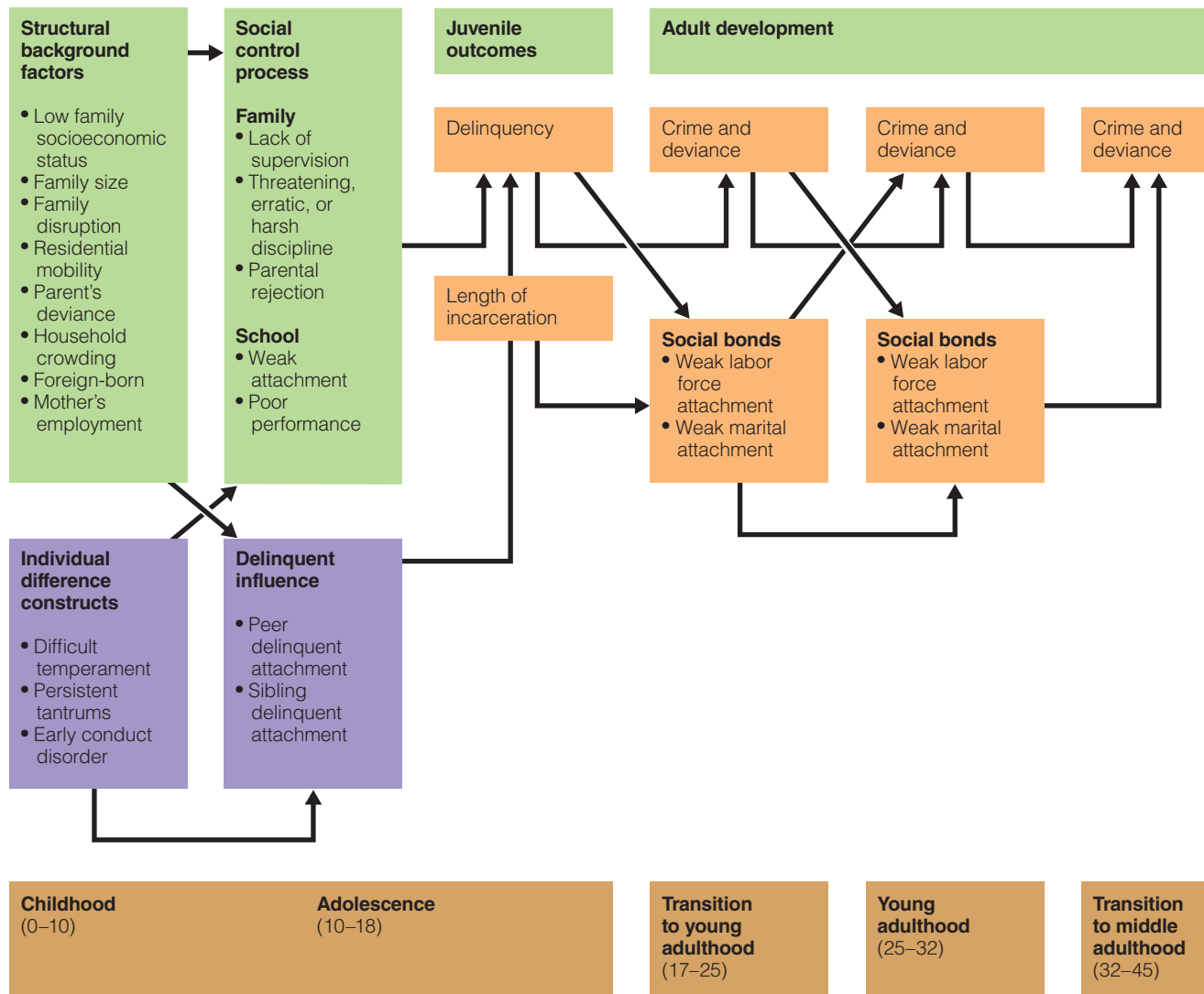


Figure 6.1

### Sampson and Laub's Age-Graded Theory

SOURCE: Adapted from Robert Sampson and John Laub, *Crime in the Making: Pathways and Turning Points Through Life* (Cambridge, MA: Harvard University Press, 1993), pp. 244–245.

#### social capital

Positive relations with individuals and institutions, as in a successful marriage or a successful career, that support conventional behavior and inhibit deviant behavior.

they suggest that the strength of a person's bonds to social institutions (e.g., family, education, peers, jobs) will predict and explain first delinquent and then criminal involvement over the entire life course. Even children with antisocial tendencies or propensities can stop or knife off from a delinquent way of life if they can form close ties with significant others and benefit from those ties. Over the life course, these social bonds will create a degree of informal social control that explains persistence in, or desistance from, crime.

Unlike many other theorists, Sampson and Laub focus more on why people stop offending than why they start. The following are a set of principles that form the backbone of age-graded theory.

**The development of social capital shapes behavior** People who develop **social capital**—positive relations with individuals and institutions that are life sustaining—have a much better chance of turning their lives around.<sup>68</sup> If people can develop social capital through personal and institutional relationships—marriage, friendship networks, employment, military service—they have a much better chance of reshaping their lives. Falling in love with the right person, getting married, and having a stable relationship seems to help.



Other social scientists sense the importance of this concept. In *Bowling Alone: The Collapse and Revival of American Community*, Robert Putnam argues that many Americans now live in anonymous communities where people are cut off from their neighbors, and work prevents them from having time to socialize or get involved in community organizations. Americans move around more than ever before. Why get involved in a community when they will be gone in a year or two? Putnam claims that our transient society has created a sense of isolation and a lack of empathy toward others. The decline of the community networks that were common in American society at one time represents a loss of social capital.<sup>69</sup> It should come as no surprise then that the Covid epidemic increased both social isolation and violent crime rates.

Laub and Sampson seize on this concept by showing how social capital is an essential ingredient in the process of desisting from a delinquent way of life. In the same manner that building financial capital improves the chances for personal success, building social capital supports conventional behavior and inhibits deviant behavior. A successful marriage creates social capital when it improves a person's stature, creates feelings of self-worth, and encourages people to trust the individual. A successful career inhibits delinquency by creating a stake in conformity; why commit delinquency when you are doing well at school? The relationship is reciprocal. If teachers recognize kids as top students, they return the favor by doing the best job possible in class; if chosen as spouses, they blossom into devoted partners. In contrast, people who fail to accumulate social capital are more prone to commit delinquent acts.<sup>70</sup>

### **There are turning points in the life course that help people knife off from delinquency**

Adolescent problems undermine life chances and reduce employability and social relations, increasing the likelihood of continued offending. In contrast, positive life experiences and relationships can be **turning points** that help people become reattached to society and allow them to knife off from a delinquent career path. Some turning points, such as gaining employment, create informal social control mechanisms that limit delinquent behavior opportunities. Adolescents at risk for delinquency can live conventional lives if they can achieve successful military careers or enter a successful marriage. Turning points may be serendipitous and unexpected: success may hinge on a lucky break—someone takes a chance on them, or they win the lottery.

#### **turning points**

Positive life experiences, such as gaining employment, getting married, or joining the military, which create informal social control mechanisms that limit delinquent behavior opportunities.

**Human agency is a key factor in a delinquent career** Human agency is the purposeful execution of choice and free will. Sampson and Laue recognize that desistance is a matter of choice: Former delinquents may choose to go straight and develop a new sense of self and an identity. They can choose to desist from delinquency and instead get real jobs, marry, have kids, and settle down.<sup>71</sup> While some kids persist in delinquency simply because they find it lucrative or it serves as an outlet for their frustrations, others choose not to participate because, as human beings, they find more conventional paths to be more beneficial and rewarding. Human choice cannot be left out of the equation.

**Cumulative disadvantage takes a toll.** Some kids not only fail to accumulate social capital but also experience social problems that weigh down their life chances. Kids who have one social deficit are more likely to suffer from others. Nor do these social problems simply go away; they linger and vex people throughout their lives. Miscues accumulated in childhood continue to cause harm in adulthood. Take, for instance, the long-term effect of an early brush with the law. Teens who suffer arrest reduce their life chances for many years; a single arrest may make it hard to find a job when they become adults.<sup>72</sup>

People who acquire this **cumulative disadvantage** are more likely to commit delinquent acts and become crime victims.<sup>73</sup> When faced with a personal crisis, they lack the social supports to help them reject deviant solutions to their problems and maintain a conventional behavior trajectory. Joan Reid found that kids who were the

#### **cumulative disadvantage**

The tendency of prior social problems to produce future ones that accumulate and undermine success.

victims of sex traffickers had limited social capital. Cumulative disadvantage led to them experiencing even more exploitation during young adulthood.<sup>74</sup>

Acquiring disadvantage begins at an early age. People who get in trouble early in life, especially those arrested and given an official criminal label, may find it difficult to shake the criminal way of life as they mature.<sup>75</sup> Racial disparity in the criminal justice system puts minority group members at a disadvantage, increasing the likelihood of becoming embedded in criminal careers.<sup>76</sup>

Not surprisingly, cumulative disadvantage appears to be intergenerational. Take, for instance, the effects of parental deviance. Having a parent behind bars reduces family income, gives kids the opportunity to gain antisocial peers, and subjects them to negative labels and stigma.<sup>77</sup> Children of incarcerated parents manifest mental health issues, are more prone to illegal drug use, have educational issues, earn less, and have problematic intimate relationships.<sup>78</sup> Not surprisingly, children whose fathers were incarcerated are more likely to suffer an arrest by age 25 than the offspring of conventional, law-abiding parents.<sup>79</sup> One exception to this pattern is girls who have been the victims of sexual abuse. Not surprisingly, female sex abuse victims do better when their fathers are incarcerated.<sup>80</sup>

In sum, Sampson and Laub suggest that the motivation for delinquency and crime changes and varies over the life course as people gain and lose social capital. If they can gain capital and strengthen bonds, they can knife off from crime. For some, disadvantages accumulate and they lack the human agency to desist from a delinquent way of life.

**Testing Age-Graded Theory** Empirical research shows that, as Sampson and Laub predicted, people change over the life course, and the factors that predict antisocial behavior choices evolve.<sup>81</sup> Delinquency appears to be (a) dynamic and (b) affected by levels of informal social control.

Evidence also confirms Sampson and Laub's suspicion that delinquent career trajectories can be reversed if life conditions improve and individuals gain social capital.<sup>82</sup> Antisocial youths whose life circumstances improve have been shown to divert from delinquent trajectories.<sup>83</sup> Several research efforts have supported Sampson and Laub's position that accumulating social capital reduces delinquency rates.<sup>84</sup> Youths who accumulate social capital in childhood by doing well in school or having a tightly knit family are also the most likely to maintain steady work as adults; employment may help insulate them from crime.<sup>85</sup> Delinquents who enter the military, serve overseas, and receive veterans' benefits enhance their occupational status (social capital) while reducing delinquent involvement.<sup>86</sup> Similarly, high-risk adults fortunate enough to obtain high-quality jobs are likely to reduce their delinquent activities even if they have a prior history of offending.<sup>87</sup> Not all research agrees with the precepts of age-graded theory, which suggests that children of color who live in poverty are much more likely to be judged based on these personal characteristics. That makes it much tougher for them to divert from a delinquent career.<sup>88</sup>

**Love, Marriage, and Delinquency** Age-graded theory emphasizes the stability that romantic relationships bring. Teens headed toward a life of crime can divert from that path if they meet the right mate, fall in love, and get married.<sup>89</sup> Falling in love and getting married reduces criminal activity; communities with high marriage rates have correspondingly low crime rates.<sup>90</sup> And it is marriage and not merely cohabitating that has a crime-suppression effect.<sup>91</sup>

The marriage benefit is intergenerational: children who grow up in two-parent families are more likely to later have happy marriages themselves than children who are the product of divorced or never-married parents.

Of course, things don't always work out as planned, and many relationships end in a breakup, a state of affairs associated with increased delinquent behavior and drug use.<sup>92</sup> Even if their parents stay married, marital problems significantly affect kids. Parents who engage in intimate partner violence produce children similarly prone to physically and emotionally abusing their spouse.<sup>93</sup>

The question then remains: what prompts some youngsters to engage in loving relationships while others are doomed to fall in and out of love without finding lasting happiness? Sociologist Rand Conger and his colleagues have discovered that the seeds of romantic success are planted early in childhood: kids who grow up with warm, nurturing parents are most likely to have positive romantic relationships and later intact marriages. Well-nurtured kids develop into warm and supportive romantic partners with relationships that are likely to endure.<sup>94</sup> It is the quality of parenting, not the observation of adult romantic relations, that socializes a young person to engage in behaviors likely to promote successful and lasting romantic unions as an adult.

What is it about love that prevents delinquency? Adolescent romantic love can help fill the emotional void between the time they break free of parental bonds and their acceptance of adult responsibilities.<sup>95</sup> But only meaningful relationships seem to work: love, not sex, is the key to success. Kids who get involved in sexual activity without the promise of love actually increase their involvement in delinquency and drug abuse; only true love reduces the likelihood of offending. Loveless sexual relations produce feelings of strain, which are correlated with antisocial activity. Kids who engage in sex without love or romance may be willing to partake in other risky and/or self-indulgent behaviors. In contrast, romantic love discourages offending by strengthening the social bond.

**Evaluating Age-Graded Theory** While a great deal of research supports age-graded theory, some questions remain unanswered. Sampson and Laub used the Glueck data collected many years ago to create their vision. Do the same social relations still exist, and do they have the same influence on delinquency? When the Gluecks collected their data, the effects of marriage and military service might have been much different. The divorce rate was much lower and marriages more stable. People had served in World War II and were part of the “Greatest Generation.” Other influential elements of contemporary society had not yet been invented: computers, the internet, TV, smart phones, and iPods. Though the Glueck boys and men drank alcohol, their drug use was minimal. Drug use has unique effects that prevent people from desisting from crime. Drug use negates the influence of elements of social capital and is certainly an element of contemporary life to explore more fully.<sup>96</sup> The following Focus on Delinquency feature reviews a follow-up study Laub and Sampson conducted to see what happened to the boys in their sample as they traveled through life.

Another issue is the causal ordering assumed by Laub and Sampson: Are kids who desist from delinquency able to find a suitable mate, get married, and find a good job? Or are people who find an appropriate mate and a good job then able to desist from law-violating behavior? Does desistance precede the accumulation of social capital, or does the accumulation of social capital produce desistance? While Laub and Sampson believe the latter, evidence also suggests that people who desist from crime and delinquency undergo a cognitive change. Only after they quit a delinquent way of life do they acquire mates, jobs, and other benefits that support their life change.<sup>97</sup> To test their theory further, Sampson and Laub have conducted a series of interviews with the survivors of the Glueck survey. Their findings are presented in the Focus on Delinquency feature “Shared Beginnings, Divergent Lives.”

## Propensity Theory

His friends described 17-year-old T. J. Lane as a very normal, unassuming teenage boy. So it was not surprising that many expressed shock after he was arrested for a shooting at Chardon High School in Chardon, Ohio, during which three students were killed and three others wounded, two seriously. What caused this seemingly normal boy to kill kids he hardly knew at a school he did not attend? Some said Lane had been teased at school and, afterward, put a wall around himself, keeping him removed from other students. He attended the Lake Academy, described as

**LO6**

Define the concept of a latent trait

## Shared Beginnings, Divergent Lives

Why are some delinquents destined to become persistent criminals as adults? John Laub and Robert Sampson conducted a follow-up to their reanalysis of Sheldon and Eleanor Glueck's study that matched 500 delinquent boys with 500 nondelinquents. The Gluecks reinterviewed the individuals in the original sample at ages 25 and 32. Now Sampson and Laub have located the survivors of the delinquent sample—the oldest 70 years old and the youngest 62—and reinterviewed this cohort.

### Persistence and Desistance

Laub and Sampson find that delinquency and other forms of antisocial conduct in childhood are strongly related to adult delinquency and drug and alcohol abuse. Former delinquents also suffer consequences in other areas of social life, such as school, work, and family life. For example, delinquents are far less likely to finish high school than nondelinquents and are more likely to be unemployed, receive welfare, and experience separation or divorce as adults.

In their research, Laub and Sampson address one of the key questions posed by life-course theories: is it possible for former delinquents to turn their lives around as adults? They find that most antisocial children do not remain antisocial as adults. For example, of men in the study cohort who survived to age 50, 24% had no arrests for delinquent acts of violence and property after age 17 (6% had no arrests for total delinquency). Some 48% had no arrests for predatory delinquency after age 25 (19% for total delinquency); 60% had no arrests for predatory delinquency after age 31 (33% for total delinquency); and 79% had no arrests for predatory delinquency after age 40 (57% for total delinquency). They conclude that

desistance from delinquency is the norm and that most, if not all, serious delinquents desist from delinquency.

### Why Do Delinquents Desist?

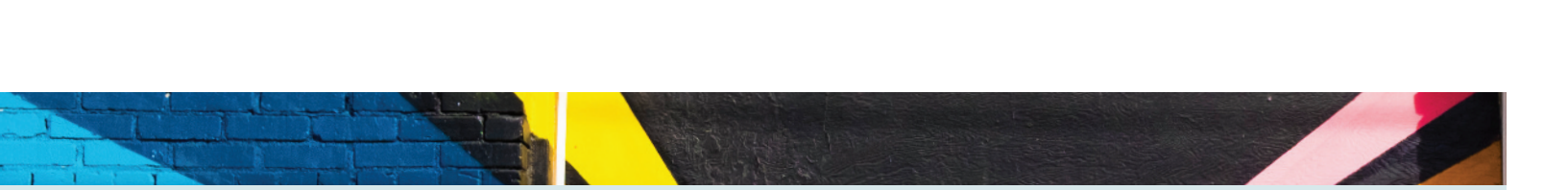
Laub and Sampson's earlier research indicated that building social capital through marriage and jobs was a key component of desistance from delinquency. However, in this new round of research, Laub and Sampson found out more about long-term desistance by interviewing 52 men as they approached age 70. The follow-up showed a dramatic drop in criminal activity as the men aged. Between the ages of 17 and 24, 84% of the subjects had committed violent crimes; in their 30s and 40s, that number dropped to 14%; it fell to just 3% as the men reached their 60s and 70s. Property crimes and alcohol- and drug-related crimes showed significant decreases. They found that men who desisted from crime were rooted in structural routines and had strong social ties to family and community. Drawing on the men's own words, they found that one important element for "going straight" is the "knifing off" of individuals from their immediate environment and offering the men a new script for the future. Joining the military can provide this knifing-off effect, as does marriage or changing one's residence. One former delinquent (age 69) told them:

I'd say the turning point was, number one, the Army. You get into an outfit, you had a sense of belonging, you made your friends. I think I became a pretty good judge of character. In the Army, you met some good ones, you met some foul balls. Then I met the wife. I'd say probably that would be the turning point. Got married, then naturally, kids come. So now you got to get a better job,

a special school for kids "who need a different type of setting to succeed." Others claimed that Lane came from a troubled home that may have left him angry and withdrawn.

According to his records, T. J. Lane had a history of minor violence. He was arrested twice, once for assaulting his uncle and once for hitting another boy in the face. While these seem like relatively minor scrapes, his father, Thomas M. Lane Jr., had a more serious criminal record. The elder Lane had been arrested on a wide range of offenses, including drug abuse and possession, violation of probation, public intoxication, and disorderly conduct. He was incarcerated for one year for attempted murder. According to police reports, he physically and verbally assaulted a woman for nine hours while her three children were present.





you got to make more money. And that's how I got to the Navy Yard and tried to improve myself.

Former delinquents who “went straight” were able to put structure into their lives. Structure often led the men to disassociate from delinquent peers, reducing the opportunity to get into trouble. Getting married, for example, may limit the number of nights men can “hang with the guys.” As one wife of a former delinquent said, “It is not how many beers you have, it's who you drink with.” Even multiple offenders who did time in prison could desist with the help of a stabilizing marriage.

Former delinquents who can turn their lives around, who have acquired a degree of maturity by taking on family and work responsibilities, and who have forged new commitments are the ones most likely to make a fresh start and find new direction and meaning in life. It seems that men who desisted changed their identity as well, and this, in turn, affected their outlook and sense of maturity and responsibility. The ability to change did not reflect delinquency “specialty”: violent offenders followed the same path as property offenders.

While many former delinquents desisted from delinquency, they still faced the risk of early and untimely death. Thirteen percent of the delinquent, as compared to only 6% of the nondelinquent subjects, died unnatural deaths, such as violence, cirrhosis of the liver caused by alcoholism, poor self-care, suicide, and so on. By age 65, 29% of the delinquent and 21% of the nondelinquent subjects had died from natural causes. Frequent delinquent involvement in adolescence and alcohol abuse were the strongest predictors of an early and unnatural death. So while many troubled youths can reform, their early excesses may haunt them across their life span.

### Policy Implications

Laub and Sampson find that youth problems—delinquency, substance abuse, violence, dropping out, teen

pregnancy—often share common risk characteristics. Intervention strategies, therefore, should consider a broad array of antisocial, delinquent, and deviant behaviors and not limit the focus to just one subgroup or delinquency type. Because delinquency and other social problems are linked, early prevention efforts that reduce delinquency will probably also reduce alcohol abuse, drunk driving, drug abuse, sexual promiscuity, and family violence. The best way to achieve these goals is through four significant life-changing events: marriage, joining the military, getting a job, and changing one's environment or neighborhood. What appears to be important about these processes is that they all involve, to varying degrees, the following items: a knifing off of the past from the present; new situations that provide both supervision and monitoring, as well as new opportunities for social support and growth; and new situations that provide the opportunity for transforming identity. Prevention of delinquency must be a policy at all times and all stages of life.

### Critical Thinking

1. Do you believe that the factors that influenced the men in the original Glueck sample are still relevant for change—for example, a military career?
2. Would it be possible for men such as these to join the military today?
3. Do you believe that some sort of universal service program might be beneficial and help people turn their lives around?

SOURCES: John Laub and Robert Sampson, *Shared Beginnings, Divergent Lives: Delinquent Boys to Age 70* (Cambridge, MA: Harvard University Press, 2003); Laub and Sampson, “Understanding Desistance from Delinquency,” in Michael Tonry, ed., *Delinquency and Justice: An Annual Review of Research*, vol. 28 (Chicago: University of Chicago Press, 2001), pp. 1–71; John Laub and George Vaillant, “Delinquency and Mortality: A 50-Year Follow-Up Study of 1,000 Delinquent and Nondelinquent Boys,” *American Journal of Psychiatry* 157:96–102 (2000).

Tried as an adult for the Chardon shooting, T. J. Lane was sentenced to three life sentences in prison without the possibility of parole. At his sentencing hearing, in a gesture that made headlines around the nation, he wore a white T-shirt with the word “Killer” handwritten across the front. He smiled and smirked during the hearing and loudly hurled profanities at the families of the victims who had gathered in the courtroom.<sup>98</sup>

Was T. J. Lane “born to kill”? Does he suffer from some trait or condition that, when switched on, produces a violent reaction? More than 25 years ago, in a groundbreaking paper, David Rowe, D. Wayne Osgood, and W. Alan Nicewander proposed the concept of latent traits to explain the flow of delinquency over the life cycle. Their model assumes that many people in the population have a personal attribute or characteristic that controls their inclination or propensity to commit crimes.<sup>99</sup> This

disposition may be either present at birth or established early in life, remaining stable over the life course. Suspected latent traits include defective intelligence, damaged or impulsive personality, genetic abnormalities, the physical–chemical functioning of the brain, and environmental influences on brain function, such as drugs, chemicals, and injuries.<sup>100</sup>

Regardless of gender or environment, those who maintain one of these suspect traits may be at risk for delinquency and in danger of becoming career criminals; those who lack the traits have a much lower risk.<sup>101</sup> Thus, the propensity to commit delinquent and criminal acts is always there, a stable but unseen trait guiding behavior across the life course.

**State Dependence** Because latent traits are stable, antisocial people are the most likely to persist in crime during adolescence. The positive association between past and future criminality detected in the cohort studies of career criminals reflects the presence of this underlying stable criminal propensity. If an impulsive personality contributes to delinquency in childhood, it should also cause the same people to offend as adults because personality traits remain stable over the life span. According to the concept of **state dependence**, kids who have the propensity to commit crime will find that this latent trait profoundly and permanently disrupts normal socialization. Disruptions in socialization after that can increase the risk of prolonged antisocial behavior. In this view, early rule-breaking increases the probability of future rule-breaking because it weakens inhibitions to crime and strengthens criminal motivation. In other words, once kids taste antisocial behavior, they like it and want to continue down a deviant path.<sup>102</sup>

### state dependence

The propensity to commit crime profoundly and permanently disrupts normal socialization over the life course.

**Propensity and Opportunity** Although the propensity to commit delinquency is stable, the opportunity to commit delinquency fluctuates over time. People age out of crime. As they mature and develop, there are simply fewer opportunities to commit crimes and greater inducements to remain “straight.” They may marry, have children, and obtain jobs. The former delinquents’ newfound adult responsibilities leave them little time to hang with their friends, abuse substances, and get into scrapes with the law.

To understand this concept better, assume that IQ is a stable latent trait associated with crime as measured by IQ tests. Intelligence remains stable and unchanging over the life course, but delinquency rates decline with age. How can latent trait theory explain this phenomenon? Teenagers have more opportunities to commit delinquency than adults, so at every level of intelligence, adolescent delinquency rates will be higher. As they mature, however, teens with both high and low IQs will commit less delinquency because their adult responsibilities provide them with fewer delinquent opportunities. They may marry, raise a family, get a job, and buy a home. And as they age, they lose strength and vigor, qualities necessary to commit crime. Though their IQ remains stable and their propensity to commit delinquency is unchanged, their living environment and biological condition have radically changed. Even if they wanted to engage in antisocial activities, the former delinquents might lack the opportunity and the energy to engage in illegal activities.

The most prominent propensity theory today is Gottfredson and Hirschi’s **General Theory of Crime (GTC)**, which is discussed in detail next.

### General Theory of Crime (GTC)

A developmental theory that modifies social control theory by integrating concepts from biosocial, psychological, routine activities, and rational choice theories.

#### LO7

Outline the principles and assumptions of the General Theory of Crime (GTC)

## General Theory of Crime

In their important work *A General Theory of Crime*, Michael Gottfredson and Travis Hirschi modified and redefined some of the principles articulated in Hirschi’s original social control theory (Chapter 4). They added elements of trait and rational choice theories and shifted the focus from social control to self-control, or the tendency to avoid acts whose long-term costs exceed their momentary advantages.<sup>103</sup>

According to Gottfredson and Hirschi, the propensity to commit antisocial acts is tied directly to a person's level of self-control. People with limited self-control tend to be impulsive; they are insensitive to other people's feelings, physical (rather than mental), risk takers, shortsighted, and nonverbal.<sup>104</sup> They have a here-and-now orientation and refuse to work for distant goals; they lack diligence, tenacity, and persistence. People lacking self-control are adventuresome, active, physical, and self-centered. As they mature, they often have unstable marriages, jobs, and friendships.<sup>105</sup> They are less likely to feel shame if they engage in deviant acts and are more likely to find them pleasurable.<sup>106</sup> They are also more likely to engage in dangerous behaviors such as drinking, smoking, and reckless driving; all of these behaviors are associated with delinquency.<sup>107</sup>

Because those with low self-control enjoy risky, exciting, or thrilling behaviors with immediate gratification, they are more likely to enjoy delinquent acts. These acts require more stealth, agility, speed, and power than conventional acts, which demand long-term study and cognitive and verbal skills. As Gottfredson and Hirschi put it, they derive satisfaction from "money without work, sex without courtship, revenge without court delays."<sup>108</sup>

Gottfredson and Hirschi suggest that delinquency is not the only outlet for people with an impulsive personality. Even if they do not engage in antisocial behaviors, impulsive people enjoy other risky behaviors such as smoking, drinking, gambling, and illicit sex.<sup>109</sup> Although these acts are not illegal, they provide immediate, short-term gratification. It is not surprising that impulsive people are more prone to be crime victims than their less impulsive peers, considering their risky lifestyle.<sup>110</sup>

Gottfredson and Hirschi claim that the principles of **self-control theory** can explain all varieties of delinquent misbehavior, from teenage murder and suicide to texting while driving.<sup>111</sup> Such widely disparate crimes as burglary, robbery, embezzlement, drug dealing, murder, rape, and insider trading all stem from a deficiency of self-control. Likewise, gender, racial, and ecological differences in delinquency rates can be explained by discrepancies in self-control. Unlike other theoretical models that explain only narrow segments of delinquent behavior (such as theories of teenage gang formation), Gottfredson and Hirschi argue that self-control applies equally to all crimes, ranging from murder to corporate theft. The following Focus on Delinquency feature looks at the case of Craig Price that shows how a lack of self-control affects behavioral choices.

### **self-control theory**

The theory of delinquency that holds that antisocial behavior is caused by a lack of self-control stemming from an impulsive personality.

**What Causes Low Self-Control/Impulsivity?** Gottfredson and Hirschi trace the root cause of poor self-control to inadequate childrearing practices that begin soon after birth. Parents who refuse or are unable to monitor a child's behavior, recognize deviant behavior when it occurs, and punish it will produce children who lack self-control.<sup>112</sup> Children who are not attached to their parents, who are poorly supervised, and whose parents are delinquent or deviant themselves are the most likely to develop poor self-control.

The low self-control children model may be intergenerational. Parents who themselves manifest low self-control are most likely to use damaging and inappropriate supervision and punishment mechanisms, such as corporal punishment; inappropriate discipline modes have been linked to a lack of self-control in adolescence. These impulsive kids grow up to become poor parents who use improper discipline and produce another generation of impulsive kids.<sup>113</sup> Kids who have low self-control may strain parental attachments and the ability of parents to control children.

While Gottfredson and Hirschi believe that parenting and not heredity shapes self-control, some recent research shows that the impulsive personality may have physical or social roots, or perhaps both. Children who suffer anoxia (oxygen starvation) during the birthing process are most likely to lack self-control later in life, suggesting that impulsivity may have a biological basis.<sup>114</sup> Evidence gathered using twin pairs also suggests that impulsive personality and levels of self-control may be inherited rather than developed.<sup>115</sup> That might explain the stability of these latent traits over the life course.<sup>116</sup>

**Variations in Delinquency** Why do delinquency rates vary if individual differences are stable over the life course? Why do people commit less delinquency as they age? Why are some regions or groups more delinquency prone than others? Does that mean there are differences in self-control between groups? If male delinquency rates are higher than female rates, does that mean men are more impulsive and lacking in self-control? How does the GTC address these issues?

Gottfredson and Hirschi remind us that delinquent propensity and delinquent acts are separate concepts. On the one hand, delinquent acts, such as robberies or burglaries, are illegal events or deeds that offenders engage in when they perceive them to be advantageous. Burglaries are typically committed by young males looking for cash, liquor, and entertainment; delinquency provides “easy, short-term gratification.”<sup>117</sup> Delinquency is rational and predictable; kids engage in delinquency when it promises rewards with minimal threat of pain; the threat of punishment can deter crime. If targets are well guarded, delinquency rates diminish. Only the truly irrational offender would dare to strike under those circumstances.

## Focus on Delinquency

### Craig Price

On September 4, 1989, in Warwick, Rhode Island, Joan Heaton, 39, and her two children, Jennifer, 10, and Melissa, 8, were found murdered, victims of an apparent burglary attempt gone awry. Suspicion swiftly fell on Craig Price, 15, a neighborhood kid with a long history of offenses, including breaking and entering, theft, peeping into houses, and using drugs. Craig was also known to have a violent temper, and police had been called to his house on more than one occasion to settle disputes. While investigating the case, they discovered quite a bit of similarity with the July 1987 death of Rebecca Spencer, who had been found in her living room, stabbed repeatedly with a packing knife.

Investigators obtained a warrant to search the Price home, where they found evidence incriminating Craig in the Heaton case. A trash bag full of incriminating evidence was also found in a shed behind the house. Placed under arrest, Craig gave a detailed account of the Heaton murders. He told police that he intended to burglarize the home, crawled in through a window, fell and broke a table. When Joan Heaton came downstairs to see what was going on and put on the kitchen light, Craig, losing any semblance of self-control, strangled her to death. Her screams woke the children, and when they attempted to call the police, Craig restrained them, grabbed a knife, and began stabbing. When they fought back, he bit them and smashed them over the head with a kitchen stool. The struggle was so intense that Craig accidentally stabbed his own hand. While telling his story, Craig confessed to killing Rebecca Spencer under similar circumstances when he was 13 years old.

Originally sentenced as a juvenile to serve a five-year term, he continued to have problems while in custody and had additional years added to his sentence, perhaps because authorities were simply afraid to have him released. In October 1998, seven more years were added to Craig's sentence for assaulting a correctional officer. In February 1999 and again in October 2001, Craig was sentenced to a total of four more years for again verbally and physically assaulting correctional officers. On July 29, 2009, he was involved in a prison fight with another inmate, during which a correctional officer was stabbed in the finger. Consequently, Craig Price was transferred to a Florida correctional facility and his release date pushed up to 2020. Then on April 4, 2017, Price, now in his 40s stabbed a fellow inmate with a 5" homemade knife. On January 18, 2019, he was sentenced to 25 years for the crime.

#### Critical Thinking

Can someone like Craig Price ever be truly rehabilitated? Would you advocate ever releasing someone who has killed and attacked multiple people if you knew he would move into your neighborhood, even if correctional treatment specialists claim he has been rehabilitated? How does someone like Price develop a lack of self-control? Are you born that way, or is it a product of negative life experiences?

SOURCES: Nancy Krause, “Denied: No Parole for Killer Craig Price,” March 18, 2015, <http://wpri.com/2015/03/16/denied-no-parole-for-killer-craig-price/> (accessed October 2016); Gregg McCrary and Katherine Ramsland, *The Unknown Darkness* (New York: William Morrow/Harper Collins, 2003); Katie Mulvaney, “Price gets 25 years in stabbing of inmate,” *Providence Journal*, Jan. 18, 2019 <https://www.providencejournal.com/story/news/courts/2019/01/18/craig-price-gets-25-years-in-stabbing-of-inmate/986782007/>



On the other hand, delinquent offenders may be predisposed to commit crimes, but they are not robots who commit antisocial acts without restraint; their days are also filled with conventional behaviors, such as going to school, parties, concerts, and church. But given the same set of delinquent opportunities, such as having a lot of free time for mischief and living in a neighborhood with unguarded homes containing valuable merchandise, crime-prone people have a much higher probability of violating the law than do nondelinquents. If, in fact, the propensity to commit crimes remains stable throughout a person's life, then the change in the frequency of delinquent activity would be purely a function of variations in delinquent opportunity.

The stability of self-control, a cornerstone of the theory, has been the subject of much debate. While Gottfredson and Hirschi view self-control as stable and unchanging, empirical evidence shows that it may vary over time and place.<sup>118</sup> Getting involved in anti-social behaviors may pressure existing self-control levels, making it harder for adolescents to keep themselves in check. Variations in levels of self-control may identify teens as desirable recruits for gangs; once involved in gang activities, these youth may begin to experience lower levels of self-control.<sup>119</sup>

Another important issue is the inter-relationship of impulsivity and opportunity levels and their mutual influence on delinquent participation. So if males and females are equally impulsive but their delinquency rates vary, one possible explanation for this diversion is that males have more opportunities to commit crime. Young teenage girls may be more closely monitored by their parents and therefore lack the freedom to offend. Girls are also socialized to have more self-control than boys: although females get angry as often as males, many have been taught to blame themselves for such feelings. Females are socialized to fear that anger will harm relationships; males are encouraged to react with "moral outrage," blaming others for their discomfort.<sup>120</sup>

Opportunity can also be used to explain ecological variation in the delinquency rate. How does the GTC explain that delinquency rates are higher in the summer than in winter? The number of impulsive people lacking self-control is no higher in August than it is in December. Gottfredson and Hirschi would argue that seasonal differences are explained by opportunity: during the summer, kids are out of school and have more opportunities to commit crime. Similarly, if delinquency rates are higher in Los Angeles than in Minneapolis, either there are more delinquent opportunities in the western city, or the fast-paced life of Los Angeles attracts more impulsive people than the laid-back Midwest.

**Support for the GTC** Since the publication of *A General Theory of Crime*, numerous researchers have attempted to test the validity of Gottfredson and Hirschi's theoretical views. Many research efforts using a variety of methodologies and subject groups have found empirical support for the basic assumptions of the GTC.<sup>121</sup> For example, studies of religious people show they, as might be expected, commit less crime than nonbelievers. Not surprisingly, people who attend services and believe in religious principles are less impulsive and have more self-control than nonbelievers.<sup>122</sup> As a result of this support, Gottfredson and Hirschi's view has become a cornerstone of contemporary delinquency theory.

Among the many confirmed principles of the General Theory is the linkage of low self-control with poor parenting. Regardless of community structure, kids with ineffective parents are more likely to exhibit low self-control than those who experience parental efficacy.<sup>123</sup>

Researchers suggest that the lower a person's self-control, the more likely they are to engage in antisocial behavior, offline (fighting, stealing) and online (threatening or deliberately hurting somebody via email, text message, or social media).<sup>124</sup> Research shows that the association between low self-control and delinquency applies to males and females. Evidence supporting the GTC has been found in the U.S. and other cultures.<sup>125</sup>

The lack of self-control may begin early in adolescence and be manifested in aggressive behavior that turns kids into schoolyard bullies. Aggressive bullies are rejected by other kids, marginalized, and prone to school failure, a path that winds up in a delinquent way of life.<sup>126</sup> Research also links low self-control to criminal careers.<sup>127</sup> Chronic delinquents have significantly lower levels of self-control than on-time offenders, and

**LO8**

Discuss both the strengths and weaknesses of the GTC

the lower the level of self-control, the greater the chance of engaging in illegal acts over life. Low self-control is a significant predictor of career criminality, exceeding the impact of age, race, ethnicity, gender, and other important social factors.

**Analyzing the General Theory of Crime** By integrating the concepts of opportunity and delinquency, Gottfredson and Hirschi help explain why some people who lack self-control can escape delinquency and, conversely, why some people who have self-control might not escape delinquency. People at risk because they have impulsive personalities may forgo delinquent careers because there are no delinquent opportunities that satisfy their impulsive needs; instead, they may find other outlets for their impulsive personalities. In contrast, if the opportunity is strong enough, even people with relatively strong self-control may be tempted to violate the law; the incentives to commit delinquency may overwhelm self-control.

Integrating delinquent propensity and delinquent opportunity can explain why some children enter into chronic offending while others living in similar environments can resist delinquent activity. It can also help us understand why the honor student with a spotless record gets caught up in academic cheating. Even an honor roll student may find self-control inadequate if the potential for higher grades is present. The driven student, accustomed to both academic and social success, may find that the fear of failure can overwhelm self-control. Even the best, most respected student may be tempted to circumvent the rules to improve their grade point average.<sup>128</sup> Not only are students in danger of losing self-control when the fear of rejection from a prestigious school hangs over them, but parents have been known to risk a prison sentence by offering bribes to school officials and admissions counselors to secure their children a placed at a highly regarded university.<sup>129</sup>

Although the General Theory seems persuasive, several questions and criticisms remain unanswered. Among the most important are the following:

- *The General Theory is tautological.* Some critics argue that the theory is tautological (involves circular reasoning): How do we know when people are impulsive? When they commit crimes! Are all delinquents impulsive? Of course, or else they would not have broken the law!<sup>130</sup>
- *One of many personality traits correlated with crime.* Lack of self-control may, in fact, be associated with crime, but so are many other personality traits.<sup>131</sup> Personality traits such as low self-direction (the tendency not to act in one's long-term benefit) may be better predictors of delinquency than impulsivity.<sup>132</sup>
- *Ignores the environment.* Critics complain that Gottfredson and Hirschi discount the influence of environmental factors, despite evidence that the environment influences personality.<sup>133</sup> Environments may interact with personality to shape behaviors.<sup>134</sup> In high-crime neighborhoods, impulsive adolescents may be no more delinquent than their non-impulsive peers. In contrast, impulsive kids in low-crime, safer areas are much more likely to commit delinquent acts than their less reckless peers. How can this difference be explained? In disadvantaged neighborhoods, nearly everyone commits crime, so having self-control means relatively little. In contrast, in low-crime areas, most kids conform and it's only the most impulsive who risk engaging in delinquent acts. In these higher-income neighborhoods, only those totally lacking in self-control are foolish enough to commit crime.<sup>135</sup> So neighborhood character may influence criminal decision making, an observation that contradicts the GTC.
- *Does not explain racial and gender differences.* Although distinct gender differences in the delinquency rate exist, there is little evidence that males are more impulsive than females (although females and males differ in many other personality traits).<sup>136</sup> Some research efforts have found gender differences in the association between self-control and crime; the theory predicts no such difference should occur.<sup>137</sup> Impulsivity alone may not be able to

explain why males and females persist or desist.<sup>138</sup> Gottfredson and Hirschi explain racial differences in the delinquency rate as a failure of childrearing practices in the African American community.<sup>139</sup> In so doing, they overlook issues of institutional racism, poverty, and relative deprivation, which have been shown to have a significant impact on delinquency rate differentials.

- *Does not account for peer influence.* Several research efforts show that the quality of peer relations either enhances or controls delinquent behavior and that these influences vary over time.<sup>140</sup> As children mature, peer influence continues to grow. Research shows that kids who lack self-control also have trouble maintaining relationships with law-abiding peers. They may choose (or be forced) to seek friends who are similarly limited in their ability to maintain self-control. Similarly, as they mature, they may seek romantic relationships with law-violating boyfriends or girlfriends. These entanglements enhance the likelihood that they will get further involved in delinquency (girls seem more deeply influenced by their delinquent boyfriends than boys by their delinquent girlfriends).<sup>141</sup> This finding contradicts the GTC, which suggests the influence of friends is minimal and that a relationship established later in life (for example, making friends) should not influence delinquent propensity.
- *Self-control may not be stable.* The GTC assumes that self-control does not change over time and neither does delinquent propensity. However, evidence suggests that changing life circumstances, such as starting and leaving school, abusing substances and then “getting straight,” and starting or ending personal relationships, significantly influence personality.<sup>142</sup>

It is not surprising, therefore, that research efforts show that the stability in self-control predicted by Gottfredson and Hirschi may be an illusion. Some research efforts find stability in social control over the life course, while others find significant change and fluctuations.<sup>143</sup> As people mature, the focus of their lives likewise changes, and they may be better able to control their impulsive behavior.<sup>144</sup> As Callie Burt and her associates recently found, adolescence is a period of dramatic biological, behavioral, and social changes; a young person’s physical and neurological makeup is undergoing remodeling and restructuring. Environmental influences cooperate with neurobiological changes to create a period of heightened change. During this period, levels of impulsivity also change, a result that the GTC does not predict.<sup>145</sup>

- *Many delinquents are rational and calculating, not impulsive.* Gottfredson and Hirschi assume that delinquents are impatient or “present-oriented.” They choose to commit delinquency because the rewards can be enjoyed immediately while the costs or punishments come later or not at all. However, Steven Levitt and Sudhir Alladi Venkatesh found that many young gang boys are willing to wait years to “rise through the ranks” before earning high wages. Their stay in the gang is fueled by the promises of future compensation, a fact that contradicts the GTC. Levitt and Venkatesh conclude that the economic aspects of the decision to join the gang can be viewed as a tournament in which participants vie for large awards that only a small fraction will eventually obtain. Members of the gang accept low wages in the present in the hope that they will advance in the gang and earn well above market wages in the future.<sup>146</sup> Moreover, gang members seem acutely aware that they are making an investment in the future by forgoing present gains. As one noted:

You think I want a be selling drugs on the street my whole life? No way, but I know these n — [above me] are making more money . . . So you know, I figure I got a chance to move up. But if not, s — , I get me a job doin’ something else.<sup>147</sup>

- Legal economist Yair Listokin notes that the expectation of future gains contradicts Gottfredson and Hirschi’s vision of an impulsive delinquent who lives for today without worrying about tomorrow. In contrast, the young foot soldiers

of the gang are sacrificing present wages for the hope of future gains. Listokin finds that the gang uses the same compensation structure as the one commonly used in law firms, where newly hired attorneys work long hours at low pay with the hope of becoming partners. The “foot soldiers,” he concludes, are filling the role of law associates, a group not known for their impulsiveness.<sup>148</sup>

- *Self-control may waver and change.* Gottfredson and Hirschi assume that impulsivity is a singular construct—one is either impulsive or not. However, (a) there may be more than one kind of impulsive personality, and (b) it may waver and change over time.<sup>149</sup> Some people may be impulsive because they are sensation seekers constantly looking for novel experiences, while others lack deliberation and rarely think through problems. Some may give up easily, while others act without thinking. Some people may be able to persist in self-control, while others “get tired” and eventually succumb to their impulses. Think of it this way: A dieter ogles the cheesecake in the fridge all day but has the self-control not to take a slice. Then he wakes hungry in the middle of the night and makes his way into the kitchen, thinking, “A little piece of cheesecake won’t hurt me.” His self-control slips, and his diet goes out the window. Evidence also suggests that self-control can be influenced by treatment programs aimed at doing just that. Programs aimed at improving a child/adolescent’s self-control may actually work and also help reduce delinquency, regardless of the technique used or source (e.g., parents or teachers).<sup>150</sup>

Although questions like these remain, the strength of GTC lies in its simplicity and breadth. It attempts to explain all forms of crime and deviance, from lower-class gang delinquency to sexual harassment in the business community, with a single factor—low self-control. In fact, because they believe all forms of antisocial and deviant behavior may originate from the same source, Hirschi and Gottfredson have questioned the utility of the juvenile justice system and the practice of giving more lenient treatment to young delinquent offenders. Why separate youthful and adult offenders legally when the source of their antisocial behaviors (for example, impulsivity) is essentially the same?<sup>151</sup> Since its publication, the GTC remains one of the most important and heavily researched views of the onset and continuity of a delinquent career.

## LO9

Identify the different trajectories delinquency takes

## Trajectory Theory

Trajectory theory is a third developmental approach that combines propensity and life-course theory elements. The basic premise is that there is more than one path to crime and more than one class of offender; there are different *trajectories* in an offending career as an offender progresses from delinquent to criminal. Sampson and Laub acknowledged that different delinquent-to-criminal trajectories exist when they recently (2016) stated:

... we found that although child prognoses are relatively accurate in terms of predicting criminal behavior among individuals through their 20s, they do not yield distinct groupings that are prospectively valid over the entire life course—regardless of whether offenders are identified prospectively or ex post ... there is variability among individual age–crime curves.... Given the heterogeneity in adult criminal trajectories that could not be predicted from childhood, we further argue that institutions play an important role in understanding crime over the life course.<sup>152</sup>

All kids are different, and one model cannot hope to describe every person’s journey through life. Some are social and have a large peer group, while others are loners who make decisions on their own.<sup>153</sup> Factors that predict offending in males may have little influence on females.<sup>154</sup> While both sexes maintain different offending trajectories (chronic offender, desister, nonstarter), males are more likely to become persistent offenders and have higher rates of offending within each trajectory.<sup>155</sup> There are also different



offending trajectories: delinquents who commit violent crimes may be different from nonviolent property and drug offenders and maintain a unique set of personality traits and problem behaviors.<sup>156</sup> Some kids who begin committing violent crime at an early age later become adult violent offenders, but many do not. Some people begin their violent careers in adulthood, having escaped and/or avoided being violent as juveniles.<sup>157</sup>

Because propensity theories disregard social influences during the life span, and life-course theories maintain that social events affect all people equally, they both miss that different classes and types of juvenile offenders commit different kinds of crimes and therefore may form independent groupings. When Evan McCuish, Patrick Lussier, and Raymond Corrado used data from a longitudinal cohort study of more than 1700 Canadian youth, the Incarcerated Serious and Violent Young Offender Study (ISVYOS), they found that behaviors typically fall into different groupings.

- Authority conflict: engaging in stubborn, defiant, and disobedient behavior; covert:
- Covert: minor delinquency such as vandalism and shoplifting, temporary car theft
- Overt: minor aggression, fighting, and violence, measured through both endorsement and involvement;
- Reckless: dangerous acts that the adolescent and others in danger such as taking drugs or reckless driving

Some in the sample specialized, while others shifted their behaviors within the groups. They also uncovered different classes of offenders. These include chronic persisters who typically begin early in life, engage in a large number of serious and diverse offences, and continue to offend into their adulthood. But even chronic offenders have different subgroups based on when they begin offending and when they desist.<sup>158</sup>

So in sum, trajectory theory holds that adolescents offend at a different pace, commit different kinds of crimes, and are influenced by different external forces.<sup>159</sup> This view has become quite popular, and a recent meta-analysis uncovered more than 100 recent research studies aimed at identifying different delinquent trajectories.<sup>160</sup>

## Late Bloomers and Nonstarters

Not all persistent offenders begin at an early age. Some are precocious, beginning their delinquent careers early and persisting into adulthood.<sup>161</sup> Others stay out of trouble in adolescence and do not violate the law until their teenage years. Some offenders may peak at an early age and quickly desist, whereas others persist into adulthood. Some are high-rate offenders, whereas others offend at relatively low rates.<sup>162</sup> In sum, there are different paths to crime.

Take, for instance, the concept of *early onset*. Most developmental theorists maintain that persistent offenders are early starters, beginning their delinquent careers in their adolescence and persisting into adulthood. In contrast, trajectory theories recognize that some kids are *late bloomers* who stay out of trouble until their adulthood.<sup>163</sup> Researchers Sarah Bacon, Raymond Paternoster, and Robert Brame found that “late bloomers” are the people most likely to get involved in serious offenses!<sup>164</sup> Because the late bloomer combines psychopathology with risk-taking behavior and poor social skills, his behavior becomes increasingly violent over time.<sup>165</sup> So while these late starters may be late to the party, they eventually “catch up” in their late teens.

There is also a group of abstainers, or nonstarters. Self-report studies tell us most kids engage in various antisocial activities, and teen drug use, theft, and general mischief are normative. However, some kids never break the law; their conventional behavior makes them deviant in the teenage world, where offending is the norm! Why do these nonstarters refrain from delinquency of any sort? This matter is still unsettled. According to social psychologist Terrie Moffitt, abstainers are social introverts as teens whose unpopularity shields them from group pressure to commit delinquent acts.<sup>166</sup>

Other experts, such as Xiaojin Chen and Michele Adam, disagree, suggesting that conformity may be related to close parental monitoring and involvement with prosocial peer groups more than it is to being unpopular.<sup>167</sup> Kids who do not learn delinquent behaviors from role models are the ones most likely to be abstainers.<sup>168</sup> Still another explanation may be biological: abstainers maintain a genetic code that insulates them from criminality-producing factors in the environment.<sup>169</sup> Not surprisingly, abstainers are more likely than other youth to become successful, well-adjusted adults.<sup>170</sup>

## Pathways to Delinquency

Trajectory theorists recognize that career delinquents may travel more than a single road. Some may specialize in violence and extortion; others are solely involved in theft and fraud; a majority engage in various delinquent acts.<sup>171</sup> Each type of specialist may be unique: kids who commit violent crimes may be different from nonviolent property and drug offenders.<sup>172</sup> But even among these violent offenders, there may be distinct career paths. Some start out as violent kids whose violent behavior declines with age and who eventually desist. Another group are *escalators*, whose severity of violence increases over time. Escalators are more likely to live in racially mixed communities, experience racism, and have less parental involvement than people who avoid or decrease their violent behaviors.<sup>173</sup>

While most experts link early onset to long-term delinquent careers, another subset of young offenders identified are those who start late but still persist in delinquency: late-onset escalators.<sup>174</sup> These youths began their violent careers relatively late in adolescence after suffering various psychological and social disturbances earlier in childhood, such as stress and anxiety.<sup>175</sup>

Some of the most important research on delinquent paths or trajectories has been conducted by Rolf Loeber and his associates. Using data from a longitudinal study of Pittsburgh youth, Loeber has identified three distinct paths to a delinquent career (Figure 6.2).<sup>176</sup>

### authority conflict pathway

Pathway to delinquent deviance that begins at an early age with stubborn behavior and leads to defiance and then to authority avoidance.

### covert pathway

Pathway to a delinquent career that begins with minor underhanded behavior, leads to property damage, and eventually escalates to more serious forms of theft and fraud.

### overt pathway

Pathway to a delinquent career that begins with minor aggression, leads to physical fighting, and eventually escalates to violent delinquency.

- The **authority conflict pathway** begins at an early age with stubborn behavior. This path leads to defiance (doing things one's own way, disobedience) and then to authority avoidance (staying out late, truancy, running away).
- The **covert pathway** begins with minor, underhanded behavior (lying, shoplifting) that leads to property damage (setting nuisance fires, damaging property). This behavior eventually escalates to more serious forms of delinquency, ranging from joyriding, pocket picking, larceny, and fencing to passing bad checks, using stolen credit cards, stealing cars, dealing drugs, and breaking and entering.
- The **overt pathway** escalates to aggressive acts beginning with minor aggression (annoying others, bullying), leading to physical (and gang) fighting, and then to violence (attacking someone, forced theft).

The Loeber research indicates that each path may lead to a sustained deviant career. Some people enter two and even three paths simultaneously: they are stubborn, lie to teachers and parents, are bullies, and commit petty thefts. These adolescents are the most likely to become persistent offenders as they mature.

## LO10

Distinguish between adolescent-limited and life-course persistent offenders

### adolescent-limited offenders

Kids who get into minor scrapes as youths but whose misbehavior ends when they enter adulthood.

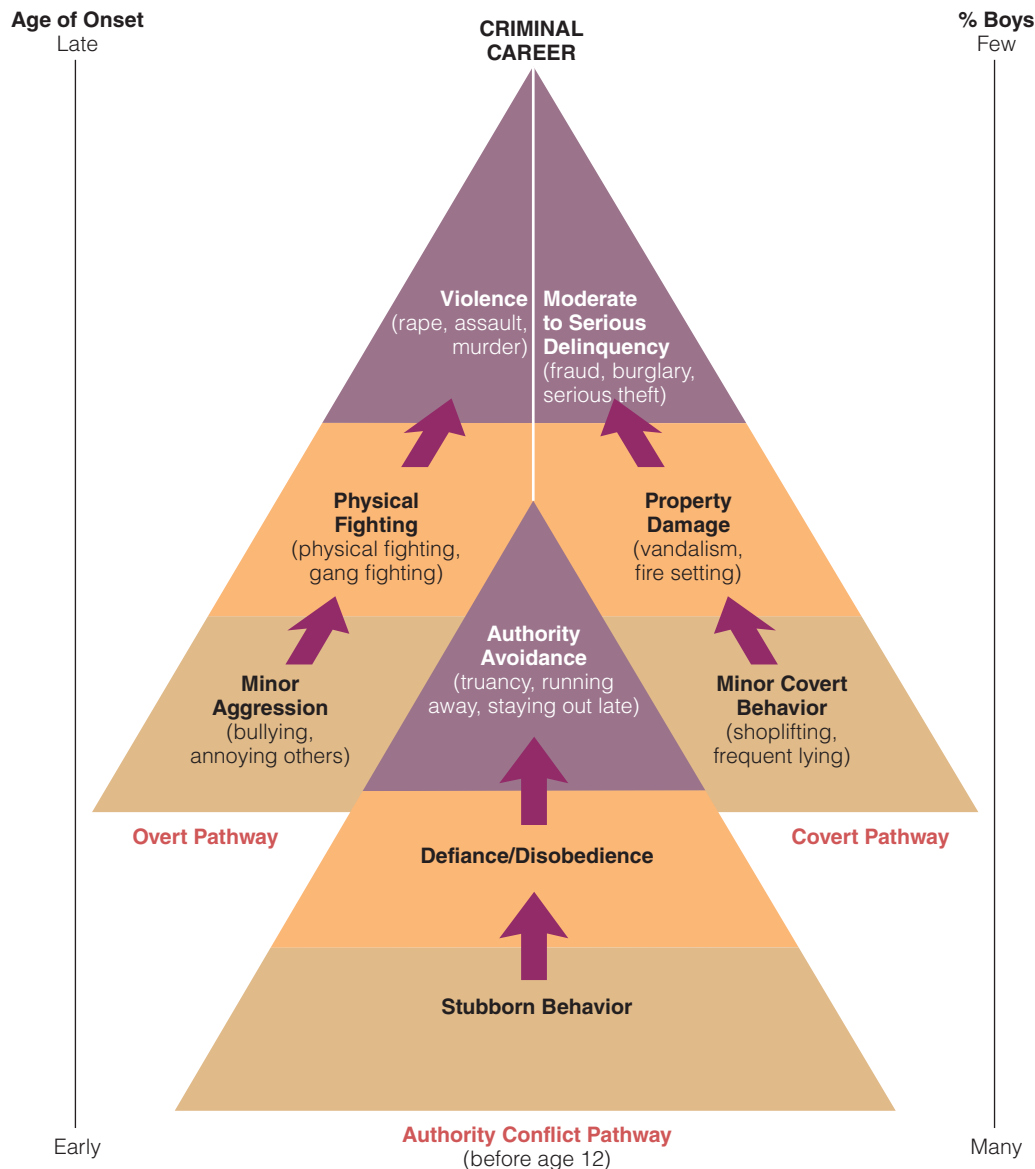
## Adolescent-Limited and Life-Course Persistent Offenders

According to psychologist Terrie Moffitt, most young offenders follow one of two paths. **Adolescent-limited offenders** may be considered "typical teenagers" who get into minor scrapes and engage in what might be considered rebellious teenage behavior with their friends.<sup>177</sup> As they reach their mid-teens, adolescent-limited delinquents begin to mimic the antisocial behavior of more troubled teens, only to reduce the frequency of their offending as they mature to around age 18.<sup>178</sup>

Figure 6.2

## Loeber's Pathways to Crime

SOURCE: Adapted from "Serious and Violent Juvenile Offenders," *Juvenile Justice Bulletin*, May 1998.



The second path is taken by a small group of **life-course persisters** who begin their offending career early and continue to offend well into adulthood.<sup>179</sup> Moffitt finds that life-course persisters combine family dysfunction with severe neurological problems that predispose them to antisocial behavior patterns. These afflictions can result from maternal drug abuse, poor nutrition, or exposure to toxic agents such as lead. There may also be a genetic basis to life-course persistence; some recent research links it to neurological deficiencies.<sup>180</sup> Life-course persisters may be aggressive as part of a strategy to increase their reproductive options, a view that jibes with sociobiology.<sup>181</sup>

It is not surprising that life-course persisters display social and personal dysfunctions, including lower than average verbal ability, reasoning skills, learning ability, and school achievement. It is also not surprising that they offend more frequently, engage in a greater variety of antisocial acts, and manifest significantly more mental health

### life-course persisters

Delinquents who begin their offending career at a very early age and continue to offend well into adulthood.

problems, including psychiatric pathologies, than adolescent-limited offenders.<sup>182</sup> Persisters are more likely to manifest traits such as low verbal ability and hyperactivity; they display a negative or impulsive personality and seem particularly impaired in spatial and memory functions.<sup>183</sup> Individual traits rather than environment seem to influence life-course persistence most.<sup>184</sup>

## Evaluating Developmental Theories

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Although the differences among the views presented in this chapter may seem irreconcilable, they, in fact, share some common ground. They indicate that a delinquent career must be understood as a passage along which people travel, that it has a beginning and an end, and that events and life circumstances influence the journey. The factors that affect a delinquent career may include structural factors, such as income and status; socialization factors, such as family and peer relations; biological factors, such as size and strength; psychological factors, including intelligence and personality; and opportunity factors, such as free time, inadequate police protection, and a supply of easily stolen merchandise.

Life-course theories emphasize the influence of changing interpersonal and structural factors (i.e., people change along with the world they live in). Propensity theories emphasize that behavior is linked less to personal change and more to changes in the surrounding world. Trajectory theories combine both perspectives and suggest that while a master trait guides some people, there may be more than one trait that influences delinquent behavior and more than one path that delinquents may take.

These perspectives differ in their view of human development. Do people constantly change, as life-course theories suggest, or are they stable, constant, and changeless, as the propensity view indicates? Are the factors that produce delinquency different for a variety of subsets of delinquent offenders, as the trajectory view suggests? Or does a master trait—for example, self-control—steer the course of human behavior, and is it present in all offenders?

It is also possible that these positions are not mutually exclusive, and each may contribute to understanding the onset and continuity of a delinquent career. While more research is necessary, there is some indication that there may be an interaction between delinquent propensity and life-course changes. Life-impacting events—marriage, military service, jobs, and so on—may have greater or lesser impact on people depending on their level of self-control and impulsivity.<sup>185</sup> Bradley Entner Wright and his associates found evidence that low self-control in childhood predicts disrupted social bonds and delinquent offending later in life, a finding that supports latent trait theory.<sup>186</sup> They also found that maintaining positive social bonds helps reduce delinquency and that maintaining prosocial bonds could even counteract the effect of low self-control. Latent traits are an important influence on crime. Still, their findings indicate that social relationships that form later in life appear to influence delinquent behavior “above and beyond” individuals’ preexisting characteristics.<sup>187</sup> This finding may reflect that there are two classes of delinquents: a less serious group influenced by life events, and a more chronic group whose latent traits insulate them from any positive prosocial relationships, a finding that supports trajectory theory.<sup>188</sup>

## Public Policy Implications of Developmental Theory

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Developmental theory is the basis for several delinquency control and prevention efforts.<sup>189</sup> These typically feature multisystemic treatment efforts designed to provide at-risk kids with personal, social, educational, and family services.<sup>190</sup>





On May 10, 2016, Sharon Bibbs, center, helps students, including Terrence Webster, Jr., with their math homework at the Kingman Boys and Girls Club in Washington DC's Logan Circle neighborhood. Gibbs has worked at the club for 27 years and now teaches the 4th grade after school program and helps with administrative duties. The club has been in Logan Circle for over 40 years. Developmental theorists would argue that programs such as the Boys and Girls Clubs may help kids knife off from a life of crime and enter more productive conventional trajectories. They reduce cumulative disadvantage, increase social capital, and can be a positive turning point in the life course.

Treatment programs based on developmental models now employ multidimensional strategies and target children in preschool through the early elementary grades to alter their life-course direction. Many of the most successful programs aim to strengthen children's social-emotional competence and positive coping skills and suppress the development of antisocial, aggressive behavior.<sup>191</sup>

**Early Childhood Programs** Early childhood delinquency prevention programs aim to positively influence risk factors or “root causes” of delinquency and criminal offending that may continue into adulthood. These early risk factors are many, including growing up in poverty, high hyperactivity or impulsiveness, inadequate parental supervision, and harsh or inconsistent discipline. Early childhood interventions are often multidimensional, targeted at more than one risk factor, because they take various forms, including cognitive development, child skills training, and family support.

**Home-Based Programs** In a supportive and loving home environment, parents care for their children's health and general well-being, help instill in their children positive values such as honesty and respect for others, and nurture prosocial behaviors. One of the most important home-based programs to prevent juvenile delinquency involves providing support for families. Support for families in their homes can take many different forms. A popular and effective form of family support is home visitation.

The best-known home visitation program is the Nurse-Family Partnership (formerly Prenatal/Early Infancy Project) which was started in Elmira, New York.<sup>192</sup> This program was designed with three broad objectives:

- To improve the outcomes of pregnancy
- To improve the quality of care that parents provide to their children (and their children's subsequent health and development)
- To improve women's personal life-course development (completing their education, finding work, and planning future pregnancies)

The program targeted first-time mothers-to-be under 19 years of age, unmarried, or poor. In all, 400 women were enrolled in the program. The mothers-to-be received home visits from nurses during pregnancy and the first two years of the child's life. Each home visit lasted about one and one-quarter hours and occurred, on average, every two weeks. The home visitors advised the mothers about the care of the child, infant development, and the importance of proper nutrition and avoiding smoking and drinking during pregnancy. Fifteen years after the program started, children of the mothers who received home visits had half as many arrests as children of mothers who received no home visits (the control group).<sup>193</sup> The study also found that, compared to the control group, these children had fewer convictions

## Treating Delinquency

### Fast Track

The Fast Track program is guided by a developmental approach that suggests antisocial behavior is the product of the interaction of multiple social and psychological influences:

- Residence in low-income, high-delinquency communities places stressors and influences on children and families that increase their risk levels. In these areas, families characterized by marital conflict and instability make consistent and effective parenting difficult to achieve, particularly with impulsive children with difficult temperament.
- Children of high-risk families usually enter the education process poorly prepared for its social, emotional, and cognitive demands. Their parents often are unprepared to relate effectively with school staff, and a poor home-school bond often aggravates the child's adjustment problems. They may be grouped with other children who are similarly unprepared. Disruptive classroom contexts and punitive teachers may negatively influence this peer group.
- Over time, aggressive and disruptive children are rejected by families and peers and tend to receive less support from teachers beginning in elementary school and lasting throughout adolescence. During this period, peer influences, academic difficulties, and dysfunctional personal identity development can contribute to serious conduct problems and related risky behaviors.<sup>201</sup>

The FT intervention takes a biological and ecological approach to addressing these childhood risk factors for conduct problems. The first set, child factors, includes poor executive function, impulsivity, and social-cognitive skills

related to effective peer relationships. A second set, parenting factors, includes harsh and inconsistent discipline, lack of parental monitoring and involvement, and aversive parent-child interactions. A final set includes struggles to keep up with academic demands. With these risk factors in mind, FT targets children's intrapersonal, interpersonal, and academic skills and their parents' parenting skills and behaviors through two intervention phases: elementary (grades 1 to 5) and secondary (grades 6 to 10) school (details are provided in ref. 28). The developmental model guiding this project is that an effective prevention program would address classroom, school risk, and family risk factors, including communication between parent and schools. The most intense phase of the intervention took place in the first-grade year for each of three successive cohorts. The six components of the elementary school phase of the intervention (grades 1–5) include:

- Teacher-led classroom curriculum called PATHS. This universal intervention is directed toward the development of emotional concepts, social understanding, and self-control (including weekly teacher consultation about classroom management);
- The following five programs are administered to the intervention subjects:
  - Parent training groups designed to promote the development of positive family-school relationships and to teach parents behavior management skills, particularly in the use of praise, time-out, and self-restraint;
  - Home visits to foster parents' problem-solving skills, self-efficacy, and life management;

and violations of probation, were less likely to run away from home, and were less likely to drink alcohol. In addition to the program's success in preventing juvenile crime and other delinquent activities, it also produced many improvements in the lives of the mothers, such as lower rates of child abuse and neglect, crime in general, and substance abuse, as well as less reliance on welfare and social services. A RAND study found that the program's desirable effects, for both the children and the mothers, translated into substantial financial benefits for the government and taxpayers. The total amount of these benefits was more than four times the program's cost.<sup>194</sup> A more recent analysis of the program's costs and benefits—based on many studies across the country—showed a favorable return of \$2.90 for every dollar spent on

- Child social skill training groups (called Friendship Groups);
- Child tutoring in reading; and
- Child friendship enhancement in the classroom (called Peer Pairing).

### Adolescent Phase of the Intervention

The adolescent phase of the intervention project (grades 6–10) includes standard and individualized activities for youth and families receiving the intervention. Curriculum-based parent and youth group meetings were included in the intervention to support children in their transition into middle school (grades 5–7). The focus of this phase of the intervention is on individualized prevention planning, according to criterion-based assessment. Individualized services designed to strengthen protective factors and reduce risk factors in areas of particular need for each youth include home visiting and family problem-solving and liaisons with school and community agencies.

Evaluations of the program show that children in the intervention group display significantly less aggressive behavior at home, in the classroom, and on the playground. Furthermore, placement in special education by the end of elementary school was about one-fourth lower in the intervention group than in the control group.

Group differences continued through adolescence. Fewer members of the intervention group boys had been arrested, in contrast with those in the control group. Finally, psychiatric interviews after ninth grade indicate that the Fast Track intervention reduced serious conduct disorder by over a third. These effects generalized across gender and ethnic groups

and across the wide range of child and family characteristics measured by Fast Track.

A recent evaluation looked at the long-term effect of Fast Track intervention. The question was whether a childhood intervention could have persistent positive effects by reducing adolescent and young adulthood (age 25) behaviors that precede premature death, including suicidal ideation, suicide attempts, hazardous drinking, and opioid use. They found that random assignment to Fast Track significantly decreases the probability of exhibiting despair behavior in adolescence and young adulthood. In addition, the intervention decreases the probability of suicidal ideation, hazardous drinking in adolescence and young adulthood, and opioid use in young adulthood. Fast Track's improvements to children's interpersonal (e.g., prosocial behavior, authority acceptance), intrapersonal (e.g., emotional recognition and regulation, social problem solving), and academic skills in elementary and middle school help mediate the intervention effect on adolescent and young adult behaviors of despair and self-destruction.

### Critical Thinking

- Should such issues as early onset and problem behavior syndrome be considered when choosing participants for prevention programs such as Fast Track?
- Could participation in such programs label or stigmatize participants and thereafter lock them into a deviant role?

SOURCE: Jennifer Godwin and Conduct Problems Prevention Research Group. The Fast Track intervention's impact on behaviors of despair in adolescence and young adulthood Proceedings of the National Academy of Science PNAS December 15, 2020, <https://www.pnas.org/content/117/50/31748>

the program.<sup>195</sup> In another follow-up of the program, when the children were 19 years old, girls incurred significantly fewer arrests and convictions compared to their control counterparts, while few program effects were observed for the boys.<sup>196</sup>

Two other experiments of the Nurse-Family Partnership (NFP) program in Memphis, Tennessee, and Denver, Colorado, have produced similar benefits for the mothers and their children, including reducing child abuse and neglect.<sup>197</sup> The program's success has resulted in its use in more than 500 counties in 43 states across the country, serving almost 60,000 families each year.<sup>198</sup> It is also now being replicated overseas. The use of nurses instead of paraprofessionals, its intensity (a minimum of two years), and its targeted nature (for first-time, disadvantaged mothers only) are critical features that help the program achieve its objectives.

**Improving Developmental Skills** Research evaluations indicate that other promising multicomponent delinquency and substance abuse prevention programs for youths, especially those at high risk, aim to improve their developmental skills. All of these components have the common goal of increasing protective factors and decreasing risk factors in the family, the community, the school, and the individual.<sup>199</sup> The Boys and Girls Clubs and School Collaborations' Substance Abuse Prevention Program includes a school component called SMART (Skills Mastery and Resistance Training), an after-school component called SMART Kids, and a parent-involvement component called SMART Parents. Each component is designed to reduce specific risk factors in the children's school, family, community, and personal environments.<sup>200</sup>

Another successful program, Fast Track, is designed to prevent serious antisocial behavior and related adolescent problems in high-risk children entering first grade. The program is described in the Treating Delinquency feature.

## Summary

### **LO1** Trace the history of and influences on developmental theory

- The Gluecks followed the careers of known delinquents to determine the social, biological, and psychological characteristics that predicted persistent offending.
- The most important of these factors was family relations, considered in terms of quality of discipline and emotional ties with parents.
- The Philadelphia cohort research by Marvin Wolfgang and his associates was another milestone in explaining delinquent career development.

### **LO2** Compare and contrast the three forms of developmental theory

- Developmental theory of delinquency looks at the onset, continuity, and termination of a delinquent career.
- Life-course theory suggests that delinquent behavior is a dynamic process, influenced by individual characteristics and social experiences. The factors

that cause antisocial behaviors change dramatically over a person's life span.

- Propensity theory suggests that a stable feature, characteristic, property, or condition, such as defective intelligence or impulsive personality, makes some people delinquency prone over the life course.
- Trajectory theory suggests that there is more than one path to a delinquent career.

### **LO3** Describe the principles of the life-course approach to developmental theory

- According to the life-course view, even as toddlers, people begin relationships and behaviors that will determine their adult life course.
- Some individuals are incapable of maturing reasonably and quickly because of family, environmental, or personal problems.
- A positive life experience may help some kids desist from delinquency for a while, whereas a negative one may cause them to resume their activities.



- Disruptions in life's major transitions can be destructive and ultimately can promote delinquency.
- As people make important life transitions—from child to adolescent, adolescent to adult, and unwed to married—the nature of social interactions changes.

#### **LO4 Explain the concept of problem behavior syndrome**

- The developmental view is that delinquency may best be understood as one of many social problems at-risk youth face, a view called problem behavior syndrome (PBS).
- According to this view, delinquency is one among a group of interrelated antisocial behaviors that cluster together.
- PBS typically involves family dysfunction, sexual and physical abuse, substance abuse, smoking, precocious sexuality and early pregnancy, educational underachievement, suicide attempts, sensation seeking, and unemployment.

#### **LO5 Articulate the principles of Sampson and Laub's age-graded life-course theory**

- Repeat negative experiences create a condition called cumulative disadvantage. Serious problems in adolescence undermine life chances and reduce employability and social relations. People who increase their cumulative disadvantage risk continued offending.
- Positive life experiences and relationships can help people become reattached to society and allow them to knife off from a delinquent career path. Two critical turning points are marriage and career.
- Informal social control is a key element that helps at-risk kids avoid a life of crime.
- Another vital feature that helps people desist from delinquency is human agency, or the purposeful execution of choice and free will.

#### **LO6 Define the concept of a latent trait**

- A number of people in the population have a personal attribute, or latent trait, that may be either present at birth or established early in life and can remain stable over time.
- Suspected latent traits include defective intelligence, damaged or impulsive personality, genetic abnormalities, the physical-chemical functioning of the brain, and environmental influences on brain function, such as drugs, chemicals, and injuries.
- Because latent traits are stable, antisocial people during adolescence are the most likely to persist in crime.

#### **LO7 Outline the principles and assumptions of the General Theory of Crime**

- People with limited self-control tend to be impulsive; they are insensitive to other people's feelings, physical (rather than mental), risk takers, short-sighted, and nonverbal.
- Because those with low self-control enjoy risky, exciting, or thrilling behaviors with immediate gratification, they are more likely to enjoy delinquent acts. These acts require more stealth, agility, speed, and power than conventional acts, which demand long-term study and cognitive and verbal skills.
- Low self-control develops early in life and remains stable into and through adulthood.
- Gottfredson and Hirschi trace the root cause of poor self-control to inadequate childrearing practices that begin soon after birth and can influence neural development.
- Gottfredson and Hirschi claim that the principles of self-control theory can explain all varieties of delinquent behavior and all the social and behavioral correlates of crime.

#### **LO8 Discuss both the strengths and weaknesses of the GTC**

- By integrating the concepts of socialization and delinquency, Gottfredson and Hirschi help explain why some people who lack self-control can escape delinquency and, conversely, why some people who have self-control might not escape delinquency.
- Some critics argue that the theory is tautological (involves circular reasoning): How do we know when people are impulsive? When they commit crimes! Are all delinquents impulsive? Of course, or else they would not have broken the law!

#### **LO9 Identify the different trajectories delinquency takes**

- Career delinquents may travel more than a single road. Some may specialize in violence and extortion; some may be involved in theft and fraud; others may engage in various delinquent acts.
- Some offenders may begin their careers early in life, whereas others are late bloomers who begin committing delinquency when most people desist. Some are frequent offenders, while others travel a more moderate path.
- Some offenders are violent and aggressive, others are stubborn and defiant, while another path begins with being underhanded and sneaky.

## **LO10** Distinguish between adolescent-limited and life-course persistent offenders

- According to psychologist Terrie Moffitt, adolescent-limited offenders may be considered “typical teenagers” who get into minor scrapes and engage in what might be considered rebellious teenage behavior with their friends.
- They reduce the frequency of their offending as they mature to around age 18.
- In contrast, life-course persisters begin their offending career very early and continue to offend well into adulthood.
- Moffitt finds that life-course persisters combine family dysfunction with severe neurological problems predisposing them to antisocial behavior patterns.

## Key Terms

developmental theory, p. 212

life-course theory, p. 213

latent trait, p. 213

propensity, p. 213

trajectory theory, p. 213

problem behavior syndrome (PBS), p. 215

integrated theories, p. 217

social capital, p. 220

turning points, p. 221

cumulative disadvantage, p. 221

state dependence, p. 226

General Theory of Crime (GTC), p. 226

self-control theory, p. 227

authority conflict pathway, p. 235

covert pathway, p. 235

overt pathway, p. 235

adolescent-limited offenders, p. 235

life-course persisters, p. 235

## Questions for Discussion

1. Do you consider yourself to have social capital? If so, what form does it take?
2. Two children are born on the same day in the same neighborhood. One grows up, does well in school and gets a perfect score on the SAT. What personal, family, and social characteristics do they possess? The other youth grows up, joins a gang and becomes a small-time drug dealer. What personal, family, and social characteristics do they possess without knowing this person? If these two youths grew up in the same place at the same time, what does it say about the creation of a delinquent career?
3. Do you believe it is a latent trait that makes a kid delinquency prone, or is delinquency a function of environment and socialization?
4. Do you agree with the multiple pathways model? Does it imply that there is no single cause of youthful misbehavior?
5. Do people really change, or do they stay the same but appear to be different because their life circumstances have changed?

## Viewpoint

In 2000, Michael was a 17-year-old popular high school football player. One evening he offered a lift to a 16-year-old girl he met at a party. During the ride home, Michael, who had been drinking, wanted to have sex with the girl. When she refused his advances, he punched her in the face, held her down, and forced her despite her protestations. Charged with rape, Michael was released on \$250,000 bail, which his affluent parents put up. While out on bail, Michael fled the jurisdiction, crossing the border into Canada and eventually finding his way to Europe (police believe his parents aided him in securing tickets and a fake identity). Once there, being already fluent in French, Michael established himself with a false identity in a small town

outside Paris, where he found work to support himself. Over the years, he established a small business and became successful. Now a respected community member, Michael married a local woman and had two children. Known in France as “Paul,” Michael was involved in community affairs and even served on the town council. At age 36, Michael got into a minor traffic accident, and the subsequent investigation revealed his true identity. He was taken into custody and extradited to the United States. Rather than face trial, he has pleaded guilty and throws himself on the mercy of the court.

At a sentencing hearing, Michael asks that he be released on probation so he can return to his home. He

argues that he was young, foolish, and inebriated at the time of the incident. He is a changed person and would no longer think of such risky and aggressive behavior. He is truly repentant. He has not broken the law or committed another crime since the incident. He claims that now his family needs him, he poses no danger to society, and he has lived an exemplary life for the last 17 years. He would be willing to make financial restitution if needed. When contacted, the victim is ambivalent;

she is now married with two children and has no interest in the matter.

Should Michael be allowed to return to France or be sent to prison? Is it possible that people change over the life course? What allows someone like Michael to knife off from a delinquent career? Should someone be punished in adulthood for a crime committed as a teen? Are the factors that led Michael to commit his crime unchanging and stable over the life course?

## Doing Research on the Web

The Rand Corporation (<https://www.rand.org/pubs/tools/TL145.html>) reviews programs that can make a difference in the lives of troubled youth. To read about

another case similar to the one in the Viewpoint section, go to this NY Times website: <https://www.nytimes.com/topic/person/alex-kelly>

## Notes

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# Part Three

## Social, Community, and Environmental Influences on Delinquency

**S**ocial, community, and environmental relations are thought to exert a powerful influence on an adolescent's involvement in delinquent activities. Kids who fail at home, at school, and in the neighborhood may be in danger of developing and/or sustaining delinquent careers. Research indicates that chronic, persistent offenders are quite likely to experience educational failure, poor home life, substance abuse, and unsatisfactory peer relations.

Social, community, and environmental relations can also have a positive influence and shield at-risk children from involvement in a delinquent way of life. Consequently, many delinquency prevention efforts focus on improving family relations, supporting educational achievement, and utilizing community resources. Some begin early in childhood, others during the teen years, while a third type of prevention effort is designed to help those involved in antisocial behavior desist from further activities.

Part Three contains five chapters devoted to the influences critical, social, and environmental forces have on delinquency. Chapter 7 explores gender relations and their relationship to delinquency. Chapter 8 is devoted to the family, and Chapter 9 looks at peer relations, including juvenile groups and gangs. Chapter 10 examines the relationship between education and delinquency, and Chapter 11 concerns substance abuse.

**Chapter 7**  
Gender and Delinquency

**Chapter 8**  
The Family and  
Delinquency

**Chapter 9**  
Peers and Delinquency:  
Gangs, Groups, and  
Cliques

**Chapter 10**  
Schools and Delinquency

**Chapter 11**  
Drug Use and  
Delinquency

# 7

# Gender and Delinquency

## Learning Objectives

- 1** Evaluate the contemporary interest in female delinquency
- 2** Understand gender differences in development including socialization and aggression
- 3** Analyze how gender differences in personality and behavior develop over the life course
- 4** Interpret recent trends in gender differences in the delinquency rate
- 5** Give an example of the early biological explanations of female delinquency
- 6** Compare the different contemporary trait views of female delinquency
- 7** Discuss the association between socialization and female delinquency
- 8** Evaluate the feminist view of female delinquency
- 9** Critique Hagan's power-control theory
- 10** Analyze the treatment of girls in the juvenile justice system

## Chapter Outline

### Changing the Focus on Gender and Delinquency

#### Gender Differences in Development

- Socialization Differences
- Aggression Differences
- Cognitive Differences
- Personality Differences
- Emotional Differences
- What Causes Gender Differences—Biology or Socialization?

#### Gender Differences and Delinquency

- Gender Patterns in Delinquency

#### Trait Theory and Female Delinquency

- Early Biological Explanations
- Early Psychological Explanations

- Contemporary Trait Views
- Contemporary Psychological Views

#### Socialization Views

- Socialization and Delinquency
- Contemporary Socialization Views
- Abuse, Conflict, and Female Delinquency

#### Developmental Views

#### Liberal Feminist Views

- Support for Liberal Feminism

#### Critical Feminist Views

- Patriarchy and Delinquency
- Gender Conflict
- Exploitation and Delinquency
- Power-Control Theory

#### Gender and the Juvenile Justice System

## Chapter Features

**Treating Delinquency:** Practical Academic Cultural Educational (PACE) Center

**Treating Delinquency:** Keep Safe

**Focus on Delinquency:** Trafficking in Children: The COVID Effect

**Focus on Delinquency:** Abused Girls in the Juvenile Justice System

**Vanessa** is a 15-year-old high school sophomore. She attends school regularly and is a member of the school band. Her mother has recently split from her long-term partner and has a new girlfriend. Vanessa is an only child and has sporadic contact with her biological father, who lives out of state. Recently, Vanessa has reported feeling depressed and somewhat isolated. She has also begun talking with her school social worker regularly to address a decline in her grades and troubles at school. Vanessa was recently caught purchasing prescription drugs in a school bathroom. She was referred to a first offender's program and ordered to attend counseling.

Before services could be set up for Vanessa, the police and rescue workers were called to the family home. Vanessa had overdosed on a pain medication taken from her mother's medicine cabinet. She was rushed to a local hospital, where she received medical care and spent the night. The hospital protocol required Vanessa to meet with the hospital psychiatrist before she could be released. She told the doctor she was not currently suicidal; when called, the school social worker reaffirmed her statements. The psychiatrist worked with hospital social workers and then created a community treatment plan that Vanessa promised to obey; she was discharged home.

After her discharge, the school social worker and a community therapist met with Vanessa and her mother to go over the treatment plan. They arranged for Vanessa to meet with the school social worker daily to check in and for Vanessa to attend therapy two or three times a week. The therapist specialized in working with adolescents and had a small office at the local community center a block from Vanessa's home. This proximity allowed for frequent contact with providers and the ongoing support Vanessa needed. It also reduced issues related to a lack of transportation and barriers that often impact compliance. The social worker and therapist initially suspected that Vanessa was having significant issues with her mother's sexuality. They learned rather quickly that Vanessa had no



concerns regarding this issue. Vanessa reported feeling her mother was a healthy and happy person and that she supported her mother. The main challenges for Vanessa were the loss of her relationship with her mother's long-term partner and her mother was spending large portions of time with her new girlfriend. Vanessa reported feeling lonely, sad, and depressed. She wanted to visit with her mother's ex-partner and have more time alone with her mother. Vanessa longed for the days when she and her mother would go bike riding and did other family activities together.

With the assistance of the therapist and school social worker, Vanessa could better understand her deep feelings of sadness and her suicide attempt. She and her mother also began to participate in family therapy. This therapy allowed Vanessa to talk with her mother about her need to spend time with her mother's ex-partner, as well as with her mother. The family was able to arrange for these visits, and Vanessa and her mother began doing more planned activities together. Vanessa continued receiving support at school and within the community center from the therapist and others. She successfully completed the first offenders' program requirements and did not receive any additional court referrals.

How should a case like Vanessa's be handled? Has she received sufficient attention, or would you recommend receiving more therapy?



### masculinity hypothesis

View that women who commit crimes have biological and psychological traits similar to those of men.

#### LO1

Evaluate the contemporary interest in female delinquency

Before the mid-twentieth century, Vanessa's story of family breakup, emotional turmoil, self-medication, and self-harm would fit the prevailing profile of the female offender. Delinquency experts considered females who committed criminal law violations an aberration who ran counter to what was considered acceptable feminine behavior. The few girls who engaged in theft or violence were considered oddities whose criminal activity was attributed to having masculine traits and characteristics. According to what is now called the **masculinity hypothesis**, female delinquency was a function of biological abnormality.<sup>1</sup>

## Changing the Focus on Gender and Delinquency

Contemporary interest in female delinquency has surged, fueled by observations of the struggles young women now face and the fact that they are committing more frequent and serious delinquent acts. Although females still commit fewer serious violent crimes than males, the illegal acts that young women engage in today are not dissimilar to those of young men. Larceny and aggravated assault, the crimes for which most young men are arrested, are also the most common offenses for which females are arrested; evidence suggests that girls are getting more heavily involved in gangs and gang violence.

Young women soon find that antisocial behaviors bring consequences that can be both long term and devastating. Those who begin their law-violating careers early, so-called early onset offenders, commit a greater number of offenses and face higher rates of premature mortality, substantial rates of psychiatric problems, dysfunctional and often violent interpersonal relationships, and significantly higher risks of remaining involved in antisocial activities throughout life, even if and when they are adjudicated delinquent and incarcerated.<sup>2</sup>

Another collateral risk of teen misbehavior is early motherhood: a study of more than 70,000 teen girls involved in adolescent misbehavior found that early involvement with illegal behavior was a significant predictor of teen pregnancy. Girls referred to the state juvenile justice department were three-and-a-half times more likely to give birth while still a teenager than girls who had not been arrested.<sup>3</sup>

This chapter provides an overview of gender factors in delinquency. We first discuss some of the gender differences in development and how they may relate to offending rates. Then we turn to some theoretical explanations of the causes of female delinquency: (1) the trait view, (2) the socialization view, (3) the liberal feminist view, and (4) the critical feminist view.

#### LO2

Understand gender differences in development including socialization and aggression

## Gender Differences in Development

Do gender differences in development, including socialization, cognition, and personality, pave the way for future differences in misbehaving?<sup>4</sup> The gender-based traits that produce delinquency may exist as early as infancy when infant girls show greater control over their emotions. In contrast, boys anger more easily and depend more on input from their mothers.<sup>5</sup> This difference in emotional control persists across the life course.<sup>6</sup>

### Socialization Differences

Psychologists believe that differences in how females and males are socialized affect their development. Parents may treat boys and girls differently, encouraging what they consider appropriate male and female behavior, respectively. It is not surprising that while fathers are more likely to teach their sons how to use and maintain weapons, they won't share this knowledge with their daughters. Self-report studies show that boys are three times more likely than girls to report hunting or shooting with a family member.<sup>7</sup>



Males learn to value independence, whereas females are taught that their self-worth depends on their ability to sustain relationships. Therefore, girls run the risk of losing themselves in their relationships with others and, because so many relationships go sour, also feel alienated because of the failure to achieve relational success.<sup>8</sup> It is not surprising that research shows, given a similar set of provocations such as lack of social support from families and peers, that girls react by getting depressed. At the same time, boys are more likely to engage in delinquent behaviors.<sup>9</sup>

## Aggression Differences

Although there are few gender differences in aggression during the first few years of life, girls are socialized to be less aggressive than boys and are supervised more closely.<sup>10</sup> Boys are exposed to more risk factors in their development and are given fewer protections. The combination of greater risk and less protection may manifest itself in levels of antisocial behaviors and aggression.<sup>11</sup>

Differences in aggression become noticeable between ages 3 and 6 when children are socialized into organized groups, such as at a daycare center. Males are more likely to display physical aggression, whereas females display relational aggression—for example, by excluding disliked peers from playgroups.<sup>12</sup> Being aggressive then becomes more normative for males. When asked about their aggressive behaviors, boys tend to exaggerate their involvement, while girls are more guarded and, if anything, underestimate their involvement in belligerence.<sup>13</sup>

Because of their superior verbal skills, when faced with conflict, women might be more likely to attempt to negotiate rather than to respond passively or resist physically, especially when they perceive an increased threat of harm or death.<sup>14</sup>

When girls are aggressive, they are more likely than boys to hide their behavior from adults; girls who bully others are less likely than boys to admit their behavior.<sup>15</sup> Girls are shielded by their moral sense, which directs them to avoid harming others. Their moral sensitivity may counterbalance the effects of family problems.<sup>16</sup> Females display more self-control than males, a factor related to criminality.<sup>17</sup>

## Cognitive Differences

There are also cognitive differences between males and females, starting in childhood. The more replicated findings about gender differences in cognitive performance suggest female superiority in visual-motor speed and language ability and male superiority on mechanical and visual-spatial tasks.<sup>18</sup> Put another way: males excel in tasks that assess the ability to manipulate visual images in working memory, whereas females do better in tasks that require retrieval from long-term memory and acquiring and using verbal information.<sup>19</sup> Gender group strengths found in the early school years become more established in adolescence and remain stable through adulthood.<sup>20</sup>

Girls learn to speak earlier, faster, and with better pronunciation, most likely because parents talk more to their infant daughters than to their infant sons.<sup>21</sup> When faced with conflict, women might be more likely to attempt to negotiate, rather than to respond passively or resist physically, especially when they perceive increased threat of harm or death.<sup>22</sup>

Cognitive differences can be detected throughout the life course and manifest in how males and females study and perform in school.<sup>23</sup> In most cases, cognitive differences are small, narrowing, and usually attributed to cultural expectations. When given training, girls can increase their visual-spatial skills. However, differences still exert a penalty on young girls.

## Personality Differences

Adolescent females use different knowledge than males and have different ways of interpreting their interactions with others. Girls are often stereotyped as talkative, but research shows that boys spend more time talking in many situations than girls. Females are more willing to reveal their feelings and more likely to express concern

Adolescence can be a trying time for young women, and because of the stresses of socialization, many become the victim of psychological problems and disorders. Shown here at Denver's Children's Hospital for eating disorder patients, two 15-year-old girls work on their art therapy books during a session at the Ponzio Creative Arts Therapy Program. The program offers art, dance/movement, music, and yoga therapies that help children identify, explore, and transform emotional and psychological difficulties.



Andy Cross/Denver Post/Getty Images

and empathy for others.<sup>24</sup> Males are more likely to introduce new topics and interrupt conversations. Girls score higher on agreeableness scales, while boys are more open to experience.<sup>25</sup>

These gender differences may impact self-esteem and self-concept, personality factors linked to a higher incidence of delinquent behavior.<sup>26</sup> One reason is that girls are more likely to worry about their weight and be more dissatisfied with the size and shape of their bodies.<sup>27</sup> Young girls regularly confront unrealistically high standards of slimness that make them extremely unhappy with their own bodies; it is not surprising that the incidence of eating disorders, such as anorexia and bulimia, has increased markedly in recent years. In a classic 1982 study, psychologist Carol Gilligan uncovered an alternative explanation for this decline in female self-esteem. As girls move into adolescence, they become aware of the conflict between the positive way they see themselves and the negative way society views females. Many girls respond by “losing their voices”—submerging their own feelings and accepting the negative view of women conveyed by adult authorities.<sup>28</sup>

The fact that males and females display different personality traits is significant, considering the association between personality and delinquency. This is especially concerning since males test higher on aversive traits like psychopathy, spitefulness, and moral disengagement.<sup>29</sup> Each presents a different set of problems for the juvenile justice system: Males who have trouble dealing with disturbing interactions turn to violence and aggression; females turn to more self-destructive behavior.<sup>30</sup>

## Emotional Differences

There are differences in how boys and girls regulate their emotions and feelings.<sup>31</sup> Girls are often stereotyped as being more emotional than boys, but gender difference in emotionality is narrow in many situations.<sup>32</sup> Females are more willing to reveal their feelings and more likely to express concern for others. Girls are more inclined to display more positive emotions and internalize negative emotions—sadness, anxiety, and sympathy—than boys; in contrast, males display more externalizing emotions—such as anger—than girls. The gender gap in emotion increases with age: girls exhibit more positive emotions as they reach maturity while boys lag.<sup>33</sup>

This change in emotional maturity may help explain gender differences in teen delinquency rates. Males may have higher levels of delinquency than females because they cannot handle the strain of the teenage years, as well as females.<sup>34</sup> Males are more likely to cope with crime strain due to their inability to develop the self-control needed to manage their emotions.<sup>35</sup> However, it is not unknown for young women to react to strain experiences by engaging in illegal behaviors such as substance abuse.<sup>36</sup> Young girls who have trouble regulating and controlling their emotions are more prone to delinquency than those who possess emotional control.<sup>37</sup>

Exhibit 7.1 sets out these various gender differences.

## What Causes Gender Differences—Biology or Socialization?

Why do these gender differences occur? Some experts suggest that gender differences may have a biological origin: males and females are essentially different. They have somewhat different brain organizations; females are more left-brain oriented and males more right-brain oriented. (The left brain is believed to control language; the right, spatial relations.)<sup>38</sup> Others point to the hormonal differences between the sexes as the key to understanding their behavior.

Gender differences may also develop over the life course and reflect the different treatment of males and females. In her classic book *The Two Sexes: Growing Up Apart, Coming Together*, psychologist Eleanor Maccoby argues that gender differences are not a matter of individual personality or biological differences but how kids socialize and how their relationships are structured.<sup>39</sup> Despite the best efforts of parents who want to break down gender boundaries, young children still segregate themselves by gender in their playgroups. Thus, a “boy culture” and a “girl culture” develop side by side. Kids also take on different roles depending on whom they are with and who is being exposed to the behavior. A boy will be all macho bravado when with his peers but may be a tender, loving big brother with his little sister.

### LO3

Analyze how gender differences in personality and behavior develop over the life course

### Exhibit 7.1

#### Gender Differences

|               | Females   | Males   |
|---------------|---|---|
| Socialization | Sustain relationships<br>Blame self   | Are independent<br>Externalize anger                                      |
| Aggression    | Less aggressive<br>Underestimate aggression<br>Hide aggression from others                | More aggressive<br>Exaggerate aggression<br>Openly aggressive             |
| Cognitive     | Have superior verbal ability<br>Speak earlier<br>Have better pronunciation<br>Read better | Have superior visual-spatial ability<br>Are better at math                |
| Personality   | Have lower self-esteem<br>Are self-aware<br>Have better attention span                    | Have higher self-esteem<br>Are materialistic<br>Have lower attention span |
| Emotional     | Internalize emotions<br>Express sadness, anxiety  | Externalize emotions<br>Express anger                                     |

### gender-schema theory

A theory of development that holds that children internalize gender scripts reflecting the gender-related social practices of the culture. Once internalized, these gender scripts predispose the kids to construct a self-identity that is consistent with the scripts.

### gender similarities hypothesis

The belief that gender differences in personality, cognition, intelligence, etc., are much smaller than previously believed.

Suppose a little girl seems “passive” when boys are present; that may be because they have learned to take on that role and demeanor. Though biological and cognitive differences impact behavior, gender distinctions that arise in social interactions are peer determined; peer groups are highly influential in enhancing gender. Even in the teen years, peers influence gender roles. For instance, the macho male jock culture encourages its members to become risk takers and engage in status-type offenses such as drinking.<sup>40</sup>

Another view is that gender differences result from the interaction of socialization, learning, and enculturation. Boys and girls may behave differently because they have been exposed to different socialization styles, learned different values, and had different cultural experiences.<sup>41</sup> When they are aggressive, it may be because of gender differences in information processing that leads to scripts that guide behavior.<sup>42</sup>

According to psychologist Sandra Bem’s **gender-schema theory**, our culture polarizes males and females by forcing them to obey mutually exclusive gender roles or “scripts.” Girls are expected to be “feminine,” exhibiting sympathetic and gentle traits. In contrast, boys are expected to be “masculine,” exhibiting assertiveness and dominance. Children internalize these scripts and accept gender polarization as normal; self-esteem becomes wrapped up in how closely behavior conforms to the proper sex-role stereotype. When children begin to perceive themselves as either boys or girls (which occurs at about age 3), they search for information to help them define their role; they begin to learn what behavior is appropriate for their sex.<sup>43</sup> Girls are expected to behave according to the appropriate script and to seek approval for their behavior: Are they acting as girls should at that age? They should avoid masculine behavior. In contrast, males look for cues from their peers to define their masculinity; aggressive behavior may be rewarded with peer approval, whereas sensitivity is viewed as unmasculine. Girls are less affected by peer influence and more by the bond they may share with parents and significant others.<sup>44</sup>

**Not So Different After All** Not every social scientist agrees that significant differences exist between the genders. In an important meta-analysis of studies examining gender differences in such traits as personality, cognition, communication skills, and leadership ability, psychologist Janet Shibley Hyde found that men and women are basically more alike than different on these critical psychological variables. She refers to her finding as the **gender similarities hypothesis**.<sup>45</sup> Hyde found that gender differences had either no effect or a minimal effect on most of the psychological variables examined, with only a few exceptions: compared with women, men were more physically aggressive, and they approved of sex without commitment.<sup>46</sup> Hyde also found that gender differences fluctuate with age, growing smaller or larger at different times in the life span. An example is measures of mathematics ability boys and girls perform equally well in math until high school. At this point, boys become more proficient, most likely because they are more likely to be encouraged by parents and teachers.<sup>47</sup>

In sum, even if gender differences existed before, they may now be eroding.

## LO4

Interpret recent trends in gender differences in the delinquency rate

## Gender Differences and Delinquency

Research conducted in the United States and abroad has found that the factors that direct the trajectories of male delinquency differ from those that influence female delinquency. Males are more physically aggressive and less likely to form attachments to others, factors that might help them maintain their crime rates over their life span. Males view physical aggression as an appropriate means to gain status. Boys are also more likely than girls to socialize with deviant peers, and when they do, they display personality traits that make them more susceptible to delinquency. They are more often exposed to delinquency-producing strains in the environment and are, therefore, more likely to react to conflict with aggressive responses rather than empathy and understanding.<sup>48</sup>



This pattern fits within the two cultures view, which suggests that girls and boys differ in their social behavior largely because their sex-segregated peer groups demand behaviors, such as aggression, that may not be characteristic of them in other social situations.<sup>49</sup> What is typically assumed to be an inherent difference in antisocial behavior tendencies may actually be a function of peer socialization differences. The fact that young boys perceive their roles as being more dominant than young girls may be a function of peer pressure. Male perceptions of power, and their ability to have freedom and hang with their friends, help explain gender differences in personality.<sup>50</sup> It follows, then, that if members of both sexes were equally exposed to the factors that produce delinquency, their involvement in illegal activities would be equivalent. While socialization may be a strong force, inherent gender differences in cognition, personality, and biology still seem to play a role in shaping interpersonal interactions, including aggression, and cannot be totally discounted.<sup>51</sup> Cognitive and personality differences are magnified when children internalize gender-specific behaviors. Boys who aren't tough may appear weak, cowardly, and effeminate. Girls, in contrast, are expected to form closer bonds with their friends and share feelings; they are more likely to engage in indirect aggression, such as spreading rumors.

## Gender Patterns in Delinquency

Within all social and economic strata, males still commit more delinquency than females.<sup>52</sup> However, the gender gap in crime and delinquency arrests has been closing. In 1995, the male:female delinquency arrest ratio was 3:1; today, it's closer to 2:1 (the violent crime arrest ratio is still more than 4:1 male, though the difference in that ratio is also in decline).

Similarly, self-report studies indicate that the rank-ordering of male and female delinquent behaviors is more similar than ever. The most common illegal acts for boys—petty larceny, using a false ID, and smoking marijuana—are also the ones most frequently committed by girls.<sup>53</sup>

While the gender gap has narrowed, gender differences are still significant for the most serious violent crime. Arrest for murder is typically 8:1 in favor of males; fewer than 60 girls ages 18 and under are typically arrested on murder charges each year, compared to more than 400 boys.

One reason for the gender disparity in lethal violence is that males and females display differences in the victims and weapons they target. The typical male juvenile kills a friend or acquaintance with a handgun during an argument. In contrast, the typical female is as likely to kill a family member as an acquaintance and is more likely to use a knife. Both males and females tend to kill males—generally their brothers, fathers, or friends.

**Police and the Gender Gap** How can the narrowing of the gender gap in delinquency arrests be explained? One possibility is that police are changing how they handle cases involving adolescent females, showing them less favoritism, and resulting in a greater likelihood of girls getting arrested. Therefore, any gender convergence in the delinquency arrest rate may be due to changing police procedures and not actual changes in delinquent activity.

Another reason for police intervention is heightened sensitivity to domestic violence. Many state and local police agencies have implemented mandatory arrest policies in response to domestic disturbances, including those between parents and children. In a domestic situation, behaviors once considered “ungovernable” (a status offense) might result instead in an arrest for simple assault. Initially adopted to protect victims from further attacks, mandatory arrest policies for domestic violence also provide parents with a method for attempting to control their “unruly” daughters. Girls fight with family members or siblings more frequently than boys, who fight with friends or strangers more often. This dynamic makes girls more vulnerable to arrest under changing domestic violence laws, increasing their presence in the arrest statistics.<sup>54</sup>

**Female Violence** While the notion of a female “crime wave” may be overstated, some girls are violent, and female violence has taken on distinct patterns and trends:

- *Peer violence.* The majority of girls’ violence is directed at same-sex peers. Girls fight with peers to gain status, to defend their sexual reputation, and in self-defense against sexual harassment.
- *Family violence.* Girls fight more frequently at home with parents than boys, who engage more frequently in violence outside the household. Some incidents represent striking back against what they view as an overly controlling structure. Other girls attack family members as a defense against or an expression of anger stemming from being sexually and/or physically abused by members of the household.
- *Violence at school.* When girls fight at school, they may do so due to teacher labeling, self-defense, or a general sense of hopelessness.
- *Violence within disadvantaged neighborhoods.* Girls in disadvantaged neighborhoods are more likely to perpetrate violence against others because of the increased risk of victimization, parental inability to protect them from community predators, and lack of opportunities for success.
- *Girls in gangs.* Girls associated with primarily male gangs exhibit more violence than those in all-female gangs. Girls in gangs are more violent than other girls but less violent than boys in gangs.<sup>55</sup>

In the sections below, we will explore the theoretical basis of female delinquency.

## Trait Theory and Female Delinquency

There is a long tradition of tracing gender differences in delinquency to uniquely male or female traits. The argument that biological and psychological differences between males and females can explain differences in crime rates is not new. The earliest criminologists focused on physical characteristics believed to be precursors of crime.

### LO5

Give an example of the early biological explanations of female delinquency

## Early Biological Explanations

With the publication in 1895 of *The Female Offender*, Cesare Lombroso (with William Ferrero) extended his work on criminality to females.<sup>56</sup> Lombroso maintained that women were lower on the evolutionary scale than men, more childlike, and less intelligent.<sup>57</sup> Women who committed crimes could be distinguished from “normal” women by physical characteristics—excessive body hair, wrinkles, and an abnormal cranium, for example.<sup>58</sup> In appearance, delinquent females appeared closer to men than to other women. The masculinity hypothesis suggested that delinquent girls had excessive male characteristics.<sup>59</sup>

Lombrosian thought significantly influenced much of the twentieth century. Delinquency rate differentials were explained as gender-based differences. In 1925, Cyril Burt linked female delinquency to menstruation.<sup>60</sup> Similarly, William Healy and Augusta Bronner suggested that males’ physical superiority enhanced their criminality. Their research showed that about 70% of the delinquent girls they studied had abnormal weight and size, a finding that supported the masculinity hypothesis.<sup>61</sup> At this time, so-called experts suggested that female delinquency goes unrecorded because the female is the instigator rather than the perpetrator.<sup>62</sup> Females first use their sexual charms to instigate crime and then beguile males in the justice system to obtain deferential treatment. The fact that female criminality is overlooked or forgiven by male agents of the justice system is referred to as the **chivalry hypothesis**. Those who believe in the chivalry hypothesis point to data showing that females make up a far greater percentage of the arrestee population than the prison inmate cohort. This finding suggests that women and girls are treated more leniently than men and boys, even after they are arrested, tried, and convicted.<sup>63</sup>

### chivalry hypothesis (also known as paternalism hypothesis)

The view that low female crime and delinquency rates are a reflection of the leniency with which police treat female offenders.

## Early Psychological Explanations

Psychologists also viewed the physical differences between males and females as a basis for their behavior differentials. Sigmund Freud maintained that girls interpret their lack of a penis as a sign of being punished. Boys fear that they can be punished by having their penises cut off and thus learn to fear women. From this conflict comes *penis envy*, which often produces an inferiority complex in girls, forcing them to make an effort to compensate for their “defect.” One way to compensate is to identify with their mothers and accept a maternal role. Also, girls may attempt to compensate for their lack of a penis by dressing well and beautifying themselves.<sup>64</sup> Freud also claimed that “if a little girl persists in her first wish—to grow into a boy—in extreme cases she will end as a manifest homosexual, and otherwise she will exhibit markedly masculine traits in the conduct of her later life, will choose a masculine vocation, and so on.”<sup>65</sup>

In the mid-twentieth century, psychodynamic theorists suggested that girls are socialized to be passive, which helps explain their low crime rate. However, this condition also makes some females susceptible to manipulation by men—hence, their participation in sex-related crimes, such as prostitution. Psychoanalysts suggested that a girl’s wayward behavior was restricted to neurotic theft (kleptomania) and overt sexual acts, which were symptoms of personality maladaptation.<sup>66</sup>

According to these early versions of the psychoanalytic approach, gender differences in the delinquency rate can be traced to differences in psychological orientation. Male delinquency reflects aggressive traits, whereas female delinquency is a function of repressed sexuality, gender conflict, and abnormal socialization.

## Contemporary Trait Views

Contemporary theorists have continued the tradition of attributing gender differences in delinquency to physical and emotional traits. These theorists recognize that the interaction of biological and psychological traits with the social environment produces differences in aggression. Some trait theorists believe males are inherently more aggressive, a condition that appears very early in life before socialization can influence behavior.

These gender-based differences in aggression have been developing for millions of years and reflect the dissimilarities in the male and female reproductive systems. Males are more aggressive because they wish to possess as many sex partners as possible to increase their chances of producing offspring. Females have learned to control their aggressive impulses because having multiple mates does not increase their chances of conception. Instead, females concentrate on acquiring things that will help them rear their offspring, such as a reliable mate who will supply material resources and a safe place to raise their young.<sup>67</sup> These evolutionary thoughts have been refined and now recognize that both biological and social factors control behavior choices. Some of the most important are discussed below:

**Early Puberty/Precocious Sexuality** At one time, trait theorists linked female delinquency to early puberty and **precocious sexuality**. According to this view, girls who experience an early onset of physical maturity are most likely to engage in anti-social behavior.<sup>68</sup> Female delinquents were believed to be promiscuous, and their sexual urges made them both attractive to men and vulnerable to the trouble that followed.<sup>69</sup> Linking female delinquency to sexuality was responsible, in part, for the view that the female delinquent was psychologically maladjusted.<sup>70</sup> Equating female delinquency purely with sexual activity is no longer taken seriously. Nonetheless, early sexual maturity is now viewed as an indirect cause of delinquency. However, there are several possible explanations for the early maturity-delinquency link:

Early puberty produces increased conflict between teen girls and parents. Intra-family conflict then revolves around dating, selecting friends, and changing behavioral expectations.<sup>71</sup> So a girl who experiences early physical maturity may feel she is being treated like a “baby” at home may find herself the sexual target of older boys who are attracted to her budding maturity.<sup>72</sup>

### LO6

Compare the different contemporary trait views of female delinquency

### precocious sexuality

Sexual experimentation in early adolescence.

- “Early bloomers” find themselves in increased contact with a high-risk group, adolescent boys, which puts them in jeopardy for antisocial behavior.<sup>73</sup> Research shows that young girls who date boys three or more years older are more likely to engage in precocious sex, feel pressured into having sex, and engage in sex while under the influence of drugs and/or alcohol than girls who date more age-appropriate boys.<sup>74</sup> And all too often, these factors are interrelated: adolescent females who use recreational drugs and drink alcohol are more likely to hang out with male friends. Their peer experience will enhance their delinquency and heighten their risk of sexual victimization.<sup>75</sup> Early puberty is most likely to encourage delinquent activities in socializing with peers and having romantic relationships with boys.<sup>76</sup> Girls romantically attached to older boys who encourage antisocial behavior are more likely to engage in delinquency than those who lack such “encouraging” partners.<sup>77</sup> The delinquency gap between early and late bloomers narrows when the latter group reaches sexual maturity and increases girls’ exposure to boys.<sup>78</sup>
- Both girls and boys who mature early are more likely to get involved in deviant behaviors, especially “party deviance,” such as drinking, smoking, and substance abuse. These risky activities affect all genders and are linked to the onset of more serious delinquent behaviors.<sup>79</sup>
- The association between precocious sexuality and delinquency is reciprocal: precocious sexuality increases a young woman’s involvement in antisocial activities and increases the likelihood of risky sexual behaviors.<sup>80</sup> The effects are also long term: kids who start experimenting at a young age are the ones most likely to experience problem behaviors as adults: using drugs, becoming alcohol dependent, and marrying young.<sup>81</sup> This dissonance can also lead to other problems, such as a higher risk of teen pregnancy and sexually transmitted diseases.<sup>82</sup>
- While some parents may create tension by trying to monitor their mature daughters, others may find early puberty as a reason to remove parental controls, thereby giving daughters more freedom to engage in unsupervised socializing.
- The excessive delinquent activity by physically precocious girls is an illusion. Immature girls commit crimes that go undetected because no one considers such a young girl capable of committing crimes. And if detected, physically immature girls may be shielded from arrest and future sanctions.<sup>83</sup>

**Early Puberty and Victimization** If reaching puberty at an early age increases the likelihood of delinquent behavior, does it also increase victimization risk? There is evidence that both boys and girls who reach puberty at an early age increase their chances of victimization.<sup>84</sup> However, boys seem to be more deeply affected if they become crime victims. Why? Boys who associate mostly with male peers may feel compelled to engage in risky behaviors—fighting and abusing substances—to prove to their friends that they have not lost heart. Girls, in contrast, may belong to peer groups that are less involved in physical violence and risk taking while supporting nonviolence. As a result, these young women may feel less peer pressure to engage in risky behavior even after they have been victimized themselves.<sup>85</sup>

**Family Factors** Still another possible connection between early puberty and anti-social behavior has been linked to family functioning. Girls whose fathers abandon them tend to reach puberty early and exhibit increased promiscuity. Family discord and absence create high levels of stress that lead to depression, insecurity, physical changes, and accelerated puberty due to hormonal changes, leading to being sexually active with multiple partners, developing unstable relationships, often resulting in early childbearing.<sup>86</sup>



New research suggests a different explanation for the link between paternal absence and early puberty and promiscuity in girls. David Comings and colleagues tested male and female subjects and found a particular gene pattern with a short androgen receptor (AR) allele was associated with assaultive behavior, impulsiveness, sexual compulsiveness and increased number of sexual partners, and feelings of reduced internal control in the male subjects. In females, the short AR pattern was associated with parental divorce, paternal absence during childhood, and early puberty. Their conclusion: the link between paternal abandonment and early puberty in girls is genetic. Fathers who have the suspect gene pattern engage in marital conflict and abandonment. Their daughters, who inherit the gene, are more likely to reach puberty early and engage in risky behaviors such as precocious sexual activity, childbearing, and disruptive personal relationships. The cause of these mutually dysfunctional behaviors is not stress or learning, but shared genes passed from the fathers to their daughters. Their findings also explain why girls whose fathers die do not experience the same changes in behavior and timing of puberty onset as girls whose fathers abandon them. Fathers who die early would be no more likely to carry the short AR gene than fathers in the general population.<sup>87</sup>

**Hormonal Effects** As you may recall from Chapter 3, some biosocial theorists link antisocial behavior to hormonal influences.<sup>88</sup> One highly controversial and debated view is that hormonal imbalance may influence aggressive behavior in young girls. Cortisol, responsible for controlling inflammation and suppressing the immune response, is the primary hormone released during long periods of stress or physical trauma. It has also been linked to aggressive behavior in young women: Girls diagnosed with conduct disorder have significantly lower than normal/average cortisol levels.<sup>89</sup>

Another view is that both male and female youths who experience excessive amounts of male hormones (androgens), particularly testosterone, are the ones most likely to engage in aggressive and anti-social behaviors.<sup>90</sup>

Some female overexposed to male hormones in utero may become “constitutionally masculinized.” They may develop abnormal hair growth, large musculature, low voice, irregular menstrual cycle, and hyperaggressive behavior. Females exposed to male hormones in utero are more likely to engage in aggressive behavior later in life.<sup>91</sup>

**Premenstrual Syndrome** Early bio-theorists suspected that premenstrual syndrome (PMS) was a direct cause of the relatively rare instances of female violence: “For several days before and during menstruation, the stereotype has been that ‘raging hormones’ doom women to irritability and poor judgment—two facets of premenstrual syndrome.”<sup>92</sup> The link between PMS and delinquency was popularized by Katharina Dalton, whose studies of English women led her to conclude that females are more likely to commit suicide and be aggressive and otherwise antisocial before or during menstruation.<sup>93</sup>

Today there is conflicting evidence on the relationship between PMS and female delinquency. Research shows that a significant number of incarcerated females committed their crimes during the premenstrual phase. A small percentage of women appear vulnerable to cyclical hormonal changes that make them more prone to anxiety and hostility.<sup>94</sup> Another suggestion is that a relatively small percentage of women suffer from premenstrual dysphoric disorder (PMDD), a severe form of premenstrual syndrome that causes extreme mood shifts, extreme sadness, hopelessness, irritability, or anger. This condition triggers aggressive behavior, suicidal thoughts, and self-harm.<sup>95</sup>

## Contemporary Psychological Views

Because girls are socialized to be less aggressive than boys, young women involved in antisocial and violent behavior may suffer from mental anguish or abnormality. Girls are also more likely than boys to be involved in status offenses such as running away and truancy, behaviors that suggest underlying psychological distress.

Research indicates that antisocial adolescent girls do suffer a wide variety of psychological problems and have dysfunctional and violent relationships at home and

### callous and unemotional traits (CU)

A persistent pattern of behavior that reflects a disregard for others, and also a lack of empathy and generally deficient affect.

#### LO7

Discuss the association between socialization and female delinquency

with their romantic partners.<sup>96</sup> One recent study of high-risk **girls'** mental health found that a significant number suffer from psychotic-spectrum symptoms that include hallucinations/delusions, interpersonal sensitivity, schizoid traits, and paranoia (over-interpretation, anger over-reactivity, hypervigilance). Auditory/visual hallucinations, delusions, ideas of reference, and adversity were common. In addition to early alcohol use onset, the girls engaged in maladaptive coping strategies, including attempted suicide. Many suffered post-traumatic stress disorder (PTSD), brought about by years of physical and sexual abuse. Being confined in a crowded juvenile facility only served to exacerbate psychotic symptoms.<sup>97</sup> Incarcerated adolescent female offenders have more acute mental health symptoms and psychological disturbances than male offenders.<sup>98</sup>

Several research studies have found that female delinquents score high on such traits as psychopathic deviation, schizophrenia, paranoia, and psychasthenia (a psychological disorder characterized by phobias, obsessions, compulsions, or excessive anxiety).<sup>99</sup> Clinical interviews indicate that female delinquents are significantly more likely than males to suffer from **callous and unemotional traits (CU)** and mood disorders, including disruptive disorder, major depressive disorder, and separation anxiety disorder.<sup>100</sup>

Females seem more susceptible to the psychological damage produced by living in a dysfunctional household than males.<sup>101</sup> One study of female arsonists found that they were often from profoundly unstable homes, experienced difficulty with school attendance and behavior, had little or no contact with at least one parent, and were in a crisis when the arson offense occurred. In addition to an unstable home life, solo female juveniles often felt upset, angry, and expressed suicidal thoughts.<sup>102</sup> In sum, some experts believe that female delinquents suffer from psychological deficits ranging from lack of self-control to serious impairments.<sup>103</sup>

## Socialization Views

Socialization views are based on the idea that a child's social development may be the key to understanding delinquent behavior. If a child experiences impairment, family disruption, and so on, the child will be more susceptible to delinquent associations and criminality.

Linking crime rate variations to gender differences in socialization is not a recent phenomenon. In a 1928 work, *The Unadjusted Girl*, W. I. Thomas suggested that some girls who have not been socialized under middle-class family controls can become impulsive thrill seekers. According to Thomas, female delinquency is linked to the wish for luxury and excitement.<sup>104</sup> Inequities in social class condemn poor girls from demoralized families to using sex to gain amusement, pretty clothes, and other luxuries. Precocious sexuality makes these girls vulnerable to older men, who lead them down the path to decadence.<sup>105</sup>

## Socialization and Delinquency

Scholars concerned with gender differences in crime are also interested in the distinction between the lifestyles of males and females. Take, for instance, differences in parental supervision. Parents may be more tolerant of deviant behavior in boys and expect boys to act tough and take risks. In contrast, though the gender revolution has been ongoing, girls are supervised more closely than boys. Consequently, their parents may be more likely to notice if they behave in a socially disapproved fashion. Closer supervision restricts the opportunity for crime and the time available to mingle with delinquent peers. Girls who are supervised closely may be less likely to engage in deviant behavior in adolescence and later go on to live more conventional adult lifestyles (i.e., marry and raise a family).<sup>106</sup> It follows, then, that the adolescent girl growing up in a troubled home and lacking supervision may be more prone to delinquency.<sup>107</sup>

**Focus on Socialization at Mid-Century** In the 1950s, many researchers began focusing on gender-specific socialization patterns. They made three assumptions about gender differences in socialization:



According to early socialization views, a child's social development may be the key to understanding delinquent behavior. Children will be more susceptible to delinquent associations if they experience impairment or family disruption. Improper socialization is likely to have an even more damaging effect on females than on males because girls are less likely than boys to have close-knit peer associations and are therefore in need of close parental relationships to retain emotional stability. In fact, girls may become sexually involved with boys to receive support from them, a practice that tends to magnify their problems.

- Families exert a more powerful influence on girls than boys.
- Parents are stricter with girls because they perceive them as needing control.
- Girls rarely form close relationships with female peers because they view them as rivals for males who would make eligible marriage partners.<sup>108</sup>

Because of these associations, adolescent girls rebel against strict parental controls in some families, turning to the streets for companionship. Those girls who lack reasonable parental guidance are at risk of entering into affairs with older men who exploit them, involve them in sexual deviance (i.e., pimp them on the street), and father their illegitimate children.<sup>109</sup> The result is prostitution, drug abuse, and marginal lives. Their daughters, also lacking supportive family relationships, are doomed to repeat this pattern in a never-ending cycle of exploitation.

Many experts emphasize the family as a primary influence on delinquent behavior. Male delinquents were portrayed as rebels who esteemed toughness, excitement, and other lower-class values. Males succumbed to the lure of delinquency when they perceived few legitimate opportunities. In contrast, female delinquents were portrayed as troubled adolescents who suffered inadequate home lives and, more often than not, were victims of sexual and physical abuse. Ruth Morris described delinquent girls as unattractive youths who reside in homes marked by family tensions.<sup>110</sup> In *The Delinquent Girl* (published in 1970), Clyde Vedder and Dora Somerville suggested that female delinquency is usually a problem of adjustment to family pressure.<sup>111</sup> They also suggested that girls have serious problems in a male-dominated culture with rigid and sometimes unfair social practices.

Other early efforts linked rebellious behavior to sexual conflicts in the home.<sup>112</sup> Broken or disrupted homes were found to predict female delinquency.<sup>113</sup> Females petitioned to juvenile court were more likely than males to be charged with ungovernable behavior and sex offenses. They also were more likely to reside in single-parent homes.<sup>114</sup> Studies of incarcerated juveniles found that most male delinquents were incarcerated for burglary and other theft-related offenses, but female delinquents tended to be involved in incorrigibility and sex offenses. The conclusion: boys became delinquent to demonstrate their masculinity; girls were delinquent due to hostility toward parents and a consequent need to obtain attention from others.<sup>115</sup>

## Contemporary Socialization Views

Contemporary socialization views still hold that family interaction is the key to understanding female delinquency. Suppose a girl grows up in an atmosphere of family tension, where hostility exists between her parents, or where her parents are absent or law violators themselves. She will likely turn to a delinquent way of life in that case. Girls whose parents are convicted of crimes and incarcerated are themselves significantly likely to get involved in drug abuse and delinquency.<sup>116</sup>

Because girls are less likely than boys to have close-knit peer associations, they are more likely to need close parental relationships to retain emotional stability.<sup>117</sup> Conventional families tend to monitor girls closely but allow boys greater latitude to stay out late, drive around with friends, or get involved in other unstructured behaviors linked to delinquency. A strong bond with parents may help insulate girls from social forces that produce delinquency.<sup>118</sup>

The gender gap narrows when girls engage in the same routine activities as boys (staying out late, partying, and riding around with friends); they risk engaging in similar delinquent behavior.<sup>119</sup> The more unsupervised activities girls participate in, the more likely they are to engage in deviant activities such as substance abuse.<sup>120</sup>

The socialization approach holds that a poor home life is likely to have an even more damaging effect on females than males.<sup>121</sup> Girls may become sexually involved with boys to receive their support, a practice that tends to magnify problems if their boyfriends encourage them to engage in antisocial behaviors.<sup>122</sup>

## Abuse, Conflict, and Female Delinquency

One focus of socialization theory is that a causal relationship exists between growing up in a disrupted household, including those in which physical and sexual abuse is routine. Research conducted in the U.S. and abroad routinely shows that physical and emotional abuse can also be experienced in school, family gatherings, and peer interactions.<sup>123</sup> Socialization within such a damaging milieu can influence current and future behavior. Not surprisingly, girls are deeply affected by these adverse experiences, and they can have long-term consequences.<sup>124</sup>

Research shows that girls who are the victims of child sexual abuse and physical abuse are the ones most likely to engage in violent and nonviolent criminal behavior, including substance abuse.<sup>125</sup> Take, for instance, the life experiences of girls who join gangs. While males are more likely to join gangs than females, girls who do typically have strained relationships with parents and adults, such as educators.<sup>126</sup> Joan Moore's famous analysis of gang girls in East Los Angeles found that many came from troubled homes. Sixty-eight percent of the girls she interviewed feared their fathers, and 55% reported fear of their mothers.<sup>127</sup> Many of the girls reported that their parents were overly strict and controlling, despite engaging in criminality themselves. Moore also details accounts of sexual abuse; about 30% of the girls reported that family members had made sexual advances.<sup>128</sup>

Research focused on the most serious offenders, those who have committed felonies and are sentenced to adult prisons, finds that they have high rates of childhood abuse and later serious substance abuse and mental health problems.<sup>129</sup> For example when compared to males, female juvenile homicide offenders have higher rates of reported childhood abuse, more serious substance abuse, and mental health problems, findings which suggest that the home life of females has an extremely strong impact on their mental health and law-violating behaviors.<sup>130</sup>

When Emily Gaarder and Joanne Belknap interviewed young female inmates, they found that most had endured prolonged sexual abuse and violence. One of their subjects, Lisa, a young European American woman, was serving time for attempted murder. Lisa had used drugs and alcohol, and joined gangs to escape the pain and troubles of her home life. Her mother was an alcoholic, and her father was a convicted rapist. Her stepfather had sexually and physically abused her from the ages of 9 to 11. Soon after, Lisa began skipping school, using alcohol, and taking LSD. She joined a gang when she was 12. "They were like a family to me," she told Gaarder and Belknap.



"But I became involved in a lot of stuff. . . . I got high a lot, I robbed people, burglarized homes, stabbed people, and was involved in drive-bys." At age 15, she stabbed a woman in a fight. She is serving 7 to 15 years for the crime. Lisa made this statement:

I had just gotten out of this group home. The lady I stabbed had been messing with my sister's fiancé. This woman [had] a bunch of my sister's stuff, like her stereo and VCR, so me, my sister, her fiancé, and my boyfriend went over to pick up the stuff. We were all getting high beforehand. When we got to the house, my sister and I went in . . . They [her sister and the victim] started fighting over him, and I started stabbing her with a knife. I always carried a knife with me because I was in a gang.<sup>131</sup>

In addition to involvement in serious crimes, girls may be forced into a life of sexual exploitation because, under some circumstances, their desirability makes them a valuable commodity for families living on the edge. There are cases of youths being "lent out" to drug dealers so their parents or partners can get high. Girls on the streets are encouraged to sell their bodies because they have little else of value to trade.<sup>132</sup> Meda Chesney-Lind, a prominent feminist scholar, has described this association: "Young women on the run from homes characterized by sexual abuse and parental neglect are forced, by the very statutes designed to protect them, into the life of an escaped convict."<sup>133</sup> Many of these girls may find themselves pregnant at a very young age. Physical and sexual abuse and its toll on young girls are not unique to any culture.

Girls who suffer emotional, sexual, and physical abuse at home are much more likely to run away and experience life on the streets.<sup>134</sup> In summary, the socialization approach holds that family interaction is the key to understanding female delinquency. If a girl grows up in an atmosphere of sexual tension, where hostility exists between her parents or where her parents are absent, she is likely to turn to outside sources for support. In contrast, a strong bond with parents may help insulate girls from social forces that produce delinquency.<sup>135</sup>

**Trauma, Victimization, and Delinquent Paths** The prevailing research shows that young girls are more likely to be the target of victimization and abuse than any other group. Early victimization—including sexual abuse—may help produce a precocious maturity that facilitates a young woman's path into drug use and offending.<sup>136</sup> The onset of deviance is likely to occur when young women are prematurely thrust into adult roles and responsibilities. Many report childhood sexual abuse, family dysfunction, domestic violence, substance abuse, neglect, and mental illness. These social problems have long-term consequences: young women exposed to significant levels of violence are also the ones most likely to become crime victims and the target of relationship violence.<sup>137</sup>

**Protective Measures** Not all abused girls become delinquent offenders; many do not, and they can go on and lead productive lives. What protects them from delinquency? The most consistent protective effect has been found to be the extent to which an at-risk girl felt she had caring adults in her life. An exception to this pattern is girls who suffered physical assault, who generally had less trust for any adult as they matured into adulthood. If these victimized young women are connected to their schools, they are less likely to report committing aggressive or antisocial acts. School may provide a refuge from an unsafe home environment. Because most of the day was spent at school, becoming connected with this institution and the resources available seems to serve as a protection against delinquency.

Religiosity also helps protect girls at high risk for delinquency from violent behavior. Girls who have been sexually abused are less likely to engage in violent forms of delinquency if they are religious. However, the relationship may not be linear: girls who are physically abused may later become violent themselves if they were abused by parents who held religious beliefs condoning violence. In homes where religious beliefs are promoted and violence is routinely used, religion functions as a belief system that supports violence.<sup>138</sup>

In sum, girls who are raised in troubled homes and may be victims of sexual and physical abuse accumulate social deficits and find themselves enmeshed in a delinquent way of life. In contrast, girls raised with supportive families and positive school and community influences can avoid this fate.

To help girls through this often painful transition from child to adult, many community programs have focused on socialization. The Treating Delinquency feature shows how helping girls overcome age-related problems can also enable them to avoid involvement in the juvenile justice system.

## Treating Delinquency

### Practical Academic Cultural Educational (PACE) Center

Established in 1985, the Practical Academic Cultural Educational (PACE) Center for Girls introduced a gender-responsive, school-based program as an alternative to incarceration or institutionalization for at-risk adolescent girls in Jacksonville, Florida. The success of the Jacksonville program led to replication in other Florida cities. PACE currently operates 21 direct care centers, outreach programs, and preteen centers in Florida and another in Georgia. It provides social and educational services to more than 40,000 girls and their families. The PACE mission is to provide girls and young women an opportunity for a better future through education, counseling, training, and advocacy. Among its principles are included:

- **Honor the Female Spirit** We value and promote the female perspective by respecting its distinct needs, creating safe and gender-responsive environments, and celebrating the female experience.
- **Focus on Strengths** We identify strengths in our girls, their families, our staff, and our supporters. Using these strengths as our foundation, we build strong, confident, and productive community participants.
- **Act with Integrity and Positive Intent** We believe that all actions and decisions must be guided by the highest ethical principles, respecting the uniqueness of all involved and honoring each other's differences.
- **Embrace Growth and Change** We believe that everyone is capable of remarkable growth, and only by encouraging change can individuals, organizations, and society reach their full potential.

PACE's direct care and outreach programs serve girls ages 11 to 18 who have been identified as dependent (i.e., in need of protective services), truant, runaway, ungovernable, delinquent, pregnant, or in need of academic skills.

Girls may be referred by various sources, including the juvenile justice system, the Florida Department of Children and Family Services, school personnel, community service agencies, and parents. PACE aims to decrease risk factors in four domains: school, family, behavior, and substance abuse. A fundamental emphasis of the program is intervention in and prevention of school withdrawal, juvenile delinquency, teen pregnancy, substance abuse, and welfare dependency. Specific program components include academic education, individualized attention, gender-specific life management skills enhancement (through PACE's Spirited Girls! curriculum), case management, parental involvement, community volunteer services, career enhancement and awareness, and transition services. Girls attend PACE daily to work toward their individualized educational and social goals. Participants are supported by a teacher/adviser, who provides academic case management, and a social services staff member, who oversees all other case management needs, including social, emotional, and physical needs. Once a girl completes the goals on her individualized treatment plan, she transitions from the day program into transitional services. PACE provides three years of transitional services to all girls who are enrolled for 30 days or longer and three months of transitional services to girls who are enrolled for fewer than 30 days. Throughout the transitional service period, case management, counseling, support, and follow-up are provided to each girl and her family.

#### CRITICAL THINKING

What theoretical perspectives would support the PACE approach? In other words, which theories of delinquency are at work here?

SOURCE: Office of Juvenile Justice and Delinquency Prevention, Practical Academic Cultural Educational (PACE) Center for Girls, Inc., <http://www.pacecenter.org/> (accessed January 2022).

## Developmental Views

Developmental theorists have begun to use the life course and other developmental approaches to characterize the ebb and flow of girls' delinquent careers. Research shows that the trajectories of girls' delinquency vary: some groups can be characterized as nonoffenders, low-rate offenders, and high-rate offenders. There are also differences in the versatility of girls' offending, with some specializing in a particular type of illegal offense, e.g., shoplifting. In contrast, others engage in crimes of both violence and theft.<sup>139</sup>

## Treating Delinquency

### Keep Safe

Keep Safe is a multicomponent intervention program aimed at building prosocial skills and promoting placement stability with girls in foster care transitioning from elementary school to middle school. The objective is to prevent delinquency and substance abuse. The design and content of the program are shaped by developmental theories that suggest that building early prosocial skills for youths in foster care can influence their susceptibility to emotional and behavioral difficulties over the life course.

Keep Safe training is provided in groups that typically include seven to ten foster parents who attend 16 weekly 90-minute sessions that focus on practical, research-based parenting techniques. The program does not use a "one size fits all" curriculum. The tailor each session to the specific needs, circumstances, and priorities of participating parents and their children. The groups are interactive and participatory and designed to be flexible and fun, synthesizing real and current experiences of foster and kinship parents with lessons learned from research about effective parenting. Snacks are served and childcare is provided. Child welfare systems can upgrade their services to foster and kinship families by providing evidence-based support and parenting skills offered by the program. Follow-up intervention services (i.e., ongoing training and support) are provided to the caregivers once a week with two-hour foster-parent group meetings during the first year of middle school.

Evaluation of Keep Safe showed that, when compared to foster parents who received case work services as usual, parents who participated in the program group had fewer placement breakdowns, had children with lower levels of behavioral and emotional problems, and provided foster care for a longer period of time (i.e., they didn't drop out from providing care). Another study conducted in San Diego showed that, compared to case work services as usual, parents who participated in the program had children who were reunified more frequently with biological or adoptive parents and were less likely to disrupt from their foster care placements.

The effects for preventing disruption were strongest for children who had been placed in multiple previous foster homes.

The programs have been found to be successful for both participants and care givers:

#### Outcomes for Children & Adolescents:

- Shorter lengths of stay in care
- Lower rates of emotional and behavioral problems
- Lower rates of placement disruptions for youth with multiple previous placements
- More frequent reunification with family
- Less substance use (for adolescents)
- Lower rates of health-risking sexual behavior (for adolescents)

#### Outcomes for Foster & Kinship Parents:

- Higher rates of positive parenting
- Lower rates of discipline
- Lower rates of turnover
- Spillover of positive effects to other children in the home

#### Outcomes for the Child Welfare System/Workforce:

- Longer tenure for foster parents providing care
- Fewer days in care

### CRITICAL THINKING

What kind of role-playing games would you suggest for this group? Have you ever engaged in such an activity? If so, what was your experience like?

SOURCE: National Institute of Justice, "Program Profile: Keep Safe," <http://www.crimesolutions.gov/ProgramDetails.aspx?ID=372> (accessed June 2022). Keep Safe, <https://www.oslc.org/projects/keep-safe/>

There is also a varying developmental trajectory of female delinquency; offense specialization helps define when involvement in delinquency starts and ends. Girls who sell drugs typically do not begin offending until their late teens. In contrast, the largest proportion of girls who are status offenders began offending at 13 or 14. Some female offenders—those who first engage in petty theft, minor assault, property damage, and alcohol abuse, often begin offending during childhood, ages 7 to 10.<sup>140</sup>

Girls' delinquency can also be divided into offending patterns that are similar to those exhibited by boys:

- *Persisters*, who were continually involved in delinquent behavior over several years
- *Desisters*, who stopped offending after a period of delinquent behavior
- *Intermittent offenders*, girls who were sporadically involved in delinquent behavior over several years
- *Late bloomers*, who did not engage in delinquent behavior until late adolescence

There are also intergroup differences within these categories. Some persistent offenders begin their career from middle childhood, while others begin offending in later adolescence.<sup>141</sup>

The view that female delinquency is a developmental process has not been lost on treatment providers, who have begun to shape program models to address girls' developmental needs. The Treating Delinquency feature "Keep Safe" discusses one such program.

## LO8

Evaluate the feminist view of female delinquency

### liberal feminism

Asserts that females are less delinquent than males because their social roles provide them with fewer opportunities to commit crimes; as the roles of girls and women become more similar to those of boys and men, so too will their crime patterns.

## Liberal Feminist Views

The feminist movement has, from its origins, fought to help women break away from their traditional roles and gain economic, educational, and social advancement. There is little question that the women's movement has revised the way women perceive their roles in society, and it has altered women's relationships with many social institutions.

**Liberal feminism** has influenced thinking about delinquency. According to liberal feminists, females are less delinquent than males because their social roles provide fewer opportunities to commit crime. As the roles of women become more similar to those of men, so will their crime patterns. Female criminality is motivated by the same influences as male criminality. According to Freda Adler's classic work *Sisters in Crime* (published in 1975), women have begun to alter the institutions that had protected males in their traditional positions of power by striving for independence.<sup>142</sup> Adler argued that female delinquency would be affected by the changing role of women. As females entered new occupations and participated in sports, politics, and other traditionally male endeavors, they would also become involved in crimes that had heretofore been male-oriented; delinquency rates would then converge. She noted that girls were becoming increasingly involved in traditionally masculine crimes such as gang activity and fighting.<sup>143</sup>

## Support for Liberal Feminism

Several studies support the feminist view of gender differences in delinquency.<sup>144</sup> In yet another classic work, Rita James Simon explained how the increase in female criminality is a function of the changing role of women. She claimed that women would be less likely to feel dependent and oppressed as they were empowered economically and socially. Consequently, they would be less likely to attack their traditional targets: their husbands, lovers, or even their children.<sup>145</sup> Instead, their new role as breadwinner might encourage women to engage in traditional male crimes, such as larceny and car theft.



Simon's view has partly been supported by research showing a significant correlation between the women's rights movement and the female crime rate.<sup>146</sup> Suppose 1966 is used as a jumping-off point (because the National Organization for Women was founded in that year). In that case, there are indications that patterns of serious female crime (robbery and auto theft) correlate with indicators of female emancipation (the divorce rate and participation in the labor force). Although this research does not prove that female crime is related to social change, it identifies behavior patterns that support that hypothesis.

In addition to these efforts, self-report studies support the liberal feminist view by showing that gender differences in delinquency are fading. That is, the delinquent acts committed most and least often by girls are nearly identical to those reported most and least often by boys.<sup>147</sup> The pattern of female delinquency, if not the extent, is now similar to male delinquency. With few exceptions, the factors that seem to motivate both male and female criminality are similar.<sup>148</sup>

As the sex roles of males and females have become less distinct, their offending patterns have become more similar. Girls may commit crimes to gain economic advancement and not because they lack parental support. Liberal feminists predicted both of these patterns.

## Critical Feminist Views

Many feminist writers have attempted to explain the cause of crime, gender differences in crime rates, and the exploitation of female victims from a critical perspective. According to the critical feminist view, many girls labeled delinquent are victims, forced to be on the streets or in gangs to escape the abuse they have suffered at home.<sup>149</sup> Those who are on the street, who are homeless, have experienced significant social problems, including childhood abuse and sexual molestation.<sup>150</sup> When they come before the juvenile court, they are more likely to lose their freedom than boys because judges are paternalistic and closed minded. They want to protect girls by housing them in state institutions.

**Critical feminism** views gender inequality as stemming from the unequal power of men and women in a capitalist society, which leads to the exploitation of women by men, including fathers and husbands. Under this system, women are considered a commodity worth possessing, like land or money.<sup>151</sup> Even when rape occurs in high school or on college campuses, crimes are discounted and victim blaming is common, even though some critical feminists view sexual violence as a type of domestic terrorism.<sup>152</sup>

As the Focus on Delinquency feature "Trafficking in Children: The COVID Effect" shows, many girls in developing nations are the victims of one particularly vile form of exploitation.

### critical feminism

Holds that gender inequality stems from the unequal power of men and women and the subsequent exploitation of women by men; the cause of female delinquency originates with the onset of male supremacy and the efforts of males to control females' sexuality.

## Patriarchy and Delinquency

According to critical thinkers, the origin of the exploitation and victimization of women can be traced to the development of private property and male domination of the laws of inheritance, which led to male control over property and power.<sup>153</sup> A **patriarchal** system developed in which men's work was valued, and women's work was devalued. As capitalism prevailed, the division of labor by gender made women responsible for the unpaid maintenance and reproduction of the current and future labor force, work that was derisively called "domestic work." Although this unpaid work done by women is crucial and profitable for capitalists, who reap these free benefits, such labor is exploitative and oppressive for women.<sup>154</sup> Even when women gained the right to work for pay, they were exploited as cheap labor. The dual exploitation of women within the household and labor market means that women produce far greater surplus value for capitalists than men.

Patriarchy, or male supremacy, has been and continues to be supported by capitalists. This system sustains female oppression at home and in the workplace.<sup>155</sup> Although the number of traditional patriarchal families is in steep decline, in those that still exist, a wife's economic dependence ties men more securely to wage-earning jobs, further serving the interests of capitalists by undermining potential rebellion against the system.

### patriarchal

A social system in which men are dominant in family, government, and business matters.

# Focus on Delinquency

## Trafficking in Children: The COVID Effect

Every year, scores of women and children—many from South-east Asia and Eastern Europe—are lured by the promise of good jobs and then end up in the sex trade in industrialized countries. The data are notoriously unreliable, but estimates of the number of people trafficked internationally each year range between 800,000 and 1 million from 124 different countries around the world. The United States is not immune: an estimated 45,000 to 50,000 individuals are trafficked into the United States annually. While these numbers are vast, relatively few cases are known to legal authorities and far fewer are prosecuted and convicted. However, by all indications, the numbers of trafficked child victims has been increasing.

Most victims are foreigners in the country where they have been abused and victimized, though most are from the region, often from neighboring countries (e.g., eastern European girls trafficked to western Europe). Domestic trafficking is also widely practiced, and for one in three trafficking cases, the exploitation takes place in the victim's country of citizenship.

Many forms of trafficking exist. Young girls and women are common targets of commercial sexual exploitation. They may be forced into prostitution and other sexual activities such as the production of pornography. There are accounts of women being forced to service 30 men a day and of children trapped in pornography rings. Others become human containers in the transportation of drugs through forced ingestion of condoms or other containers of illegal substances. Labor servitude can be found in nearly every area of industry. Young girls have been forced to work in sweatshops, factories, agricultural fields, and fisheries. Victims may work long hours in unpleasant, unsanitary, or dangerous conditions for low wages, sometimes unable to take breaks or leave the facility. In some instances, debts may be passed on to other family members or even entire villages from generation to generation, creating a constant supply of indentured servants for traffickers.

### Why Global Trafficking?

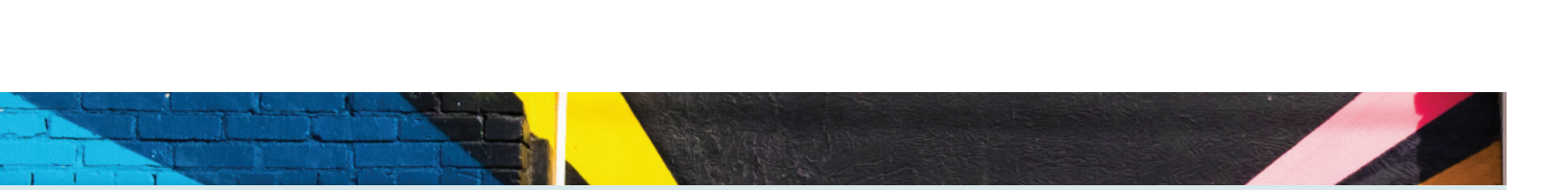
Human trafficking is facilitated by the global economy and relaxation of corporate boundaries. The young female victims are often poor and aspire to a better life. They may be forced, coerced, deceived, and psychologically manipulated into industrial or agricultural work, marriage, domestic servitude,

organ donation, or sexual exploitation. Although victims often come from poorer countries, the market for labor and sex is found in wealthier countries or in countries that, while economically poor, cater to the needs of citizens from wealthy countries, of corporations, or of tourists.

While some individuals are trafficked directly for purposes of prostitution or commercial sexual exploitation, even those trafficked for legitimate work may become victims of interpersonal violence. Women trafficked for domestic work in wealthy countries or laborers trafficked for construction, logging, factory, or farm work are vulnerable to exploitation by their employers. Individuals trafficked for labor purposes are usually unfamiliar with their new location and the language spoken there. They often lack formal education and do not know about the human and legal resources that could help them.

The economic and social distress generated by the pandemic increased risks for vulnerable and marginalized populations. Women and children were especially vulnerable if they lived communities in areas of food insecurity, and were directly or indirectly affected by the disruption of economic activities and reduced livelihood options. Due to school closures, some children lacked access to education, shelter, and/or food. Survivors of trafficking faced an increased risk of potential re-victimization due to financial and emotional hardships during the crisis. Almost 70% of trafficking survivors from 35 countries told authorities that their financial well-being was heavily impacted by COVID-19, and more than two-thirds attributed a decline in their mental health to government-imposed lockdowns triggering memories of exploitative situations. Some survivors had to sell their cell phones to purchase food, further isolating them from potential assistance social service providers. COVID lockdowns increased rates of gender-based violence and substance abuse, both of which put individuals at a higher risk of human traffickers. COVID further aided trafficking when it produced lower wages and work hours, closure of workplaces, rising unemployment, and reduced earnings, coupled with the rise in costs of living and disruptions to social safety networks,

As COVID-19 caused a global economic downturn and increased the number of individuals vulnerable to human trafficking, traffickers adapted their existing tactics to take advantage of the unique circumstances of the pandemic. Human



traffickers targeted the growing number of people unable to mitigate, adapt to, or build resilience against the worsening economic and social effects; they also exploited situations where screening and identification of victims became even more difficult. Business owners and landlords pressured individuals to take out loans in exchange for cheap labor or commercial sexual exploitation. Additionally, traffickers sought to re-exploit survivors who became financially unstable and vulnerable to revictimization.

- In India and Nepal, young girls from poor and rural areas were often expected to leave school to help support their families during the economic hardship—some were forced into marriage in exchange for money, while others were forced to work to supplement lost income.
- Reports from the United States, the United Kingdom, and Uruguay illustrate that landlords forced their tenants (often women) to have sex with them when the tenant could not pay rent.
- During lockdown, traffickers in the Amazon in Brazil changed their patterns by sending child sex trafficking victims to the perpetrators' private quarters or specific locations instead of the usual places where children were sold to perpetrators.
- In Haiti, Niger, and Mali, gangs operating in Internally Displaced People (IDP) camps took advantage of reduced security and limited protection to force residents at the camp to perform commercial sex acts.
- In Burma, families experienced drastic declines in household incomes, with 94% of households surveyed reporting a reduction of incomes, 81% reporting at least one family member losing a job, and 69% reporting having to take loans making these families vulnerable to trafficking.

Traffickers capitalized on the reduced capacity and shifting priorities of law enforcement resulting in greater anonymity and impunity to pursue their crimes.

Pandemic mitigation efforts forced many people to shift online, including human traffickers. Online recruitment and grooming increased as children spent more time online for virtual learning due to school closures, often with little parental supervision. Reports from several countries demonstrated drastic increases in online commercial sexual exploitation and sex trafficking, including online sexual exploitation of children and demand for and distribution of child sexual exploitation material (including content that involved human trafficking

victims. The U.S. National Center for Missing and Exploited Children (NCMEC) reported a 98.66% increase in online enticement reports between January and September 2020 compared to the same period in 2019, and reports to their CyberTipline doubled to 1.6 million.

### Can Sex Trafficking Be Controlled?

Controlling human trafficking and sex tourism has proven to be difficult. Some countries have recently written laws to prevent their citizens from engaging in sexual activities with minors while traveling outside their own country. These laws try to deter sex tourism, making travelers reconsider their actions in light of the consequences. However, enforcement of these laws may prove challenging due to jurisdiction and proof, so the practice continues unabated in many parts of the world. The United States passed the Trafficking Victims Protection Act of 2003 and then strengthened it with a 2005 revision. Included in the bill was the Operation Innocence Lost program, a nationwide initiative that helps law enforcement agents pursue sex traffickers and child prostitution rings.

The federal laws created several new crimes, including human trafficking, sex trafficking, forced labor, and document servitude, which involves the withholding or destruction of identity or travel documents as a means of controlling young victims. They outlawed psychological manipulation, which means that traffickers can be prosecuted if they cause victims to believe that they would be harmed if they resist. Provisions of the 2005 act provide state and local law enforcement with new tools to target demand and investigate and prosecute sex trafficking. Whether these measures will prove sufficient to reduce the sexual exploitation of children remains to be seen.

### Critical Thinking

1. How would you reduce the incidence of human trafficking? Would you punish the sex tourists as felons? Can anything be done to protect young girls from sexual predators?
2. Does pornography on the internet increase interest in sex with underage females, and should greater controls be placed on internet viewing?

SOURCES: U.S. Department of State, 2021 *Trafficking in Persons Report*, <https://www.state.gov/reports/2021-trafficking-in-persons-report/> (accessed Jan 2022); ACLU, Human Trafficking: Modern Enslavement of Immigrant Women in the United States <https://www.aclu.org/other/human-trafficking-modern-enslavement-immigrant-women-united-states> (accessed Jan 2022).

## Gender Conflict

Critical feminists link delinquent behavior patterns to the gender conflict created by paternalism and gender-based economic inequality. Because male domination renders lower-class women powerless, they are forced to commit less serious, nonviolent, self-destructive crimes, such as abusing drugs. Recent efforts of the capitalist classes to undermine the social support of the poor have hit women, especially women of color, particularly hard. The reduction of welfare support, concentration on welfare fraud, and cutbacks to social services have all directly and uniquely affected women.<sup>156</sup>

Powerlessness also increases the likelihood of women becoming targets of violent acts.<sup>157</sup> When lower-class males are shut out of the economic opportunity structure, they try to build their self-image through machismo; such acts may involve violent abuse of women. Serious juvenile offenders, especially those involved in the justice system, are likely to engage in intimate partner violence with dating partners.<sup>158</sup>

This type of reaction accounts for a significant percentage of female victims who are spouse or intimate partner attacks. According to this view, female victimization should decline as women's place in society is elevated, and they can obtain more power at home, in the workplace, and in government. Empirical research seems to support this view. Cross-national data show that in nations where the status of women is generally high, sexual violence rates are significantly lower than in nations where women do not enjoy similar educational and occupational opportunities.<sup>159</sup> Women's victimization rates decline as they are empowered socially, economically, and legally.<sup>160</sup>

**Masculinities and Delinquency** In *Masculinities and Crime*, James Messerschmidt suggests that in every culture males try to emulate "ideal" masculine behaviors.<sup>161</sup> In Western culture, this means being authoritative, in charge, combative, and controlling. Failure to adopt these roles leaves men feeling effeminate and unmanly. Their struggle to dominate women to prove their manliness is called "doing gender." Crime is a vehicle for men to "do gender" because it separates them from the weak and allows them to demonstrate physical bravery. Violence directed toward women is an especially economical way to demonstrate manhood. Would a weak, effeminate male ever attack a woman?

Feminist writers have supported this view by maintaining that in contemporary society men achieve masculinity at the expense of women. In the best-case scenario, men must convince others that in no way are they feminine or have female qualities. As the media typically portrays them, men are sloppy and don't cook or do housework because these are "female" activities. To show their manhood, they work at excluding, hurting, denigrating, exploiting, or otherwise abusing women. The worst insult within male peer groups is to call someone woman-like (i.e., "you throw like a girl") and abuse them accordingly. Men need to defend themselves at all costs from being contaminated with femininity, and these efforts begin in children's playgroups and continue into adulthood and marriage.<sup>162</sup>

**Relationship Conflict** The interplay of gender, conflict, and power relationships shapes the direction and content of adolescent personal relationships.<sup>163</sup> To gain status among their friends, boys must be a "playa"—a guy who uses girls for sex and have multiple sexual partners and conquests. Playas have little emotional attachment to their sexual partners and adopt a detached, uninvolved "cool" attitude and demeanor. They are much more likely to cheat on their girlfriends, whereas girls are more likely to be loyal to their boyfriends. In addition, boys are more willing to share sexual details with their peers, mistreat their girlfriends openly in front of friends, and downplay the meaningfulness of their relationships. This dynamic shapes the nature of dating violence: girls' violence is related to emotionality, especially the anger they experience when they suspect their boyfriend is cheating. Some girls attack their boyfriends to get an emotional response from them, to drive them out of their cool state, even if it means being struck back harder in return. Some are willing to interpret the violent response as an indicator that the boy actually likes them; any response is favorable, even if it is violent.



## Exploitation and Delinquency

Critical feminists also focus on the social forces that shape women's lives and experiences to explain female delinquency.<sup>164</sup> They attempt to show how the sexual victimization of girls is a function of male socialization because so many young males learn to be aggressive and to exploit women. Males seek same-sex peer groups for social support; these groups encourage members to exploit and sexually abuse women. On college campuses, peers encourage sexual violence against women who are considered "sluts" or "slags." These derogatory labels allow the males to justify their actions; a code of secrecy protects the aggressors from retribution.<sup>165</sup>

According to the critical feminist view, exploitation triggers the onset of female delinquent and deviant behavior. Female victims who run away and abuse substances may be reacting to abuse they have suffered at home or school. Their attempts at survival are labeled as deviant or delinquent behavior.<sup>166</sup> When the exploited girl finds herself in the arms of the justice system, her problems may just be beginning. Boys who get in trouble may be considered overzealous youth or kids who just went too far. However, girls who get in trouble are seen as oppositional and a threat to acceptable images of femininity; their behavior is considered even more unusual and dangerous than male delinquency.<sup>167</sup> Girls are overrepresented as status offenders and are more likely to be detained or incarcerated for status offending than boys. These are indications that juvenile judges are paternalistic and anxious to take control of young women who do not measure up to traditional visions of female morality.<sup>168</sup>

## Power-Control Theory

John Hagan and his associates have speculated that gender differences in delinquency are a function of class differences that influence family life. Hagan, who calls his view **power-control theory**, suggests that class influences delinquency by controlling the quality of family life.<sup>169</sup> In paternalistic families, fathers assume the role of breadwinners, and mothers have menial jobs or remain at home. Mothers are expected to control their daughters' behavior while granting greater freedom to sons. The parent-daughter relationship can be viewed as a preparation for the "cult of domesticity," which makes daughters' involvement in delinquency unlikely. Hence, males exhibit a higher degree of delinquent behavior than their sisters.

In **egalitarian families**—in which the husband and wife share similar positions of power at home and in the workplace—daughters gain freedom that reflects reduced parental control. These families produce daughters whose law-violating behaviors mirror those of their brothers. Ironically, these kinds of relationships also occur in households with absent fathers. Similarly, Hagan and his associates found that when both fathers and mothers hold equally valued managerial positions, the similarity between the rates of their daughters' and sons' delinquency is greatest. Therefore, middle-class girls are most likely to violate the law because they are less closely controlled than lower-class girls.

Research conducted by Hagan and his colleagues has tended to support the core relationship between family structure and gender differences in delinquency.<sup>170</sup> Other social scientists have produced tests of the theory, which have generally supported its hypothesis. Some have found that the gap between brother-sister delinquency is greatest in patriarchal families and least in egalitarian families, a finding consistent with the core premise of power-control theory.<sup>171</sup> Other research efforts have yielded mixed results, including these:

- Law-violating girls come from both patriarchal and egalitarian families,
- Delinquent girls have had a weak relationship with their mothers and report low levels of parental supervision.<sup>172</sup>
- Single-mother-headed households do not seem to produce more delinquent girls than other households.<sup>173</sup>

So the jury is still on the utility of power control theory.

### LO9

Critique Hagan's power-control theory

#### power-control theory

Holds that gender differences in the delinquency rate are a function of class differences and economic conditions that influence the structure of family life.

#### egalitarian families

Husband and wife share power at home; daughters gain a kind of freedom similar to that of sons, and their law-violating behaviors mirror those of their brothers.

## Gender and the Juvenile Justice System

Gender differences not only have an effect on crime patterns but also may have a significant impact on the way the juvenile justice system treats children. Girls who wind up in the arms of the law are more likely than boys to come from abusive households. While some are helped, others are re-abused, being punished for behavior that may be no fault of their own.<sup>174</sup> They display elevated levels of substance abuse and PTSD-like symptoms.<sup>175</sup> Not surprisingly, considering this background, girls in the juvenile justice system are more nonconforming, oppositional, and likely to exhibit borderline personality traits. They are prone to substance abuse, impulsive actions, and suicidal ideation, signs that there are distinct personality differences between offending and nonoffending adolescent females.<sup>176</sup>

On the surface, it seems like males are treated more harshly than females and that boys are more likely to be incarcerated than girls, most likely because their crimes are of a much more serious nature.<sup>177</sup> However, the truth is that in many ways girls receive more punitive treatment than boys, especially in cases involving sexual matters or offenses (see the Focus on Delinquency feature “Abused Girls in the Juvenile Justice System”). This is not a recent phenomenon. Throughout the history of the juvenile justice system, girls were more likely to be punished for immoral behavior than actual delinquency. Meda Chesney-Lind’s now classic research first identified that police are more likely to arrest female adolescents for sexual activity and ignore the same behavior among male delinquents. Girls are more likely than boys to be picked up by police for status offenses and are more likely to be kept in detention for such offenses.<sup>178</sup>

### Focus on Delinquency

#### Abused Girls in the Juvenile Justice System

When the Georgetown Law Center on Poverty and Inequality studied the fate of abused girls in the juvenile justice system, they found that officials and policy makers still show a lack of concern about girls’ victimization. This ambivalence is particularly troubling because sexual abuse of young women and girls is a crisis of national proportions: one in four American girls will experience some form of sexual violence by the age of 18. Fifteen percent of sexual assault and rape victims are under the age of 12; nearly half of all female rape survivors were victimized before the age of 18; girls between the ages of 16 and 19 are four times more likely than the general population to be victims of rape, attempted rape, or sexual assault. Many of the girls who came to the attention of the juvenile courts were involved in status offenses which were a direct result of their abuse: running away; precocious sex; substance abuse. And all too often these crimes and their result effected girls of color.

The Georgetown researchers found that all too often juvenile justice administrators seem to be more concerned with controlling girls’ behavior than addressing the abuse that brought them to the attention of the juvenile justice system

in the first place. The juvenile justice system rarely met medical needs related to sexual abuse that the girls experienced, including gynecological and obstetric care, despite the fact that a significant percentage of girls in the juvenile justice system are or have been pregnant—a risk that is enhanced because of childhood trauma and sexual abuse. The Georgetown team also found that most juvenile justice facilities are unaccredited and do not offer specialized services for pregnant girls who have been sexually abused. Nor are they in compliance with accepted standards of pediatric or reproductive health care. Some pregnant girls in juvenile justice facilities report being shackled, hungry, and without access to prenatal and parenting education.

The Georgetown team found that conditions in juvenile justice facilities risk re-traumatizing girls. Routine procedures such as restraints and strip searches, as well as the isolating, punitive environment itself, can be particularly harmful to victims of trauma by triggering their traumatic stress symptoms. Girls in such conditions tend to respond by internalizing their negative experiences, entering into depression or engaging

Some critics believe that girls, more than boys, are still disadvantaged if their behavior is viewed as morally incorrect by government officials or if they are considered beyond parental control.<sup>179</sup> Girls may still be subject to harsh punishments if they are considered dangerously immoral.<sup>180</sup> Even though girls are still less likely to be arrested than boys, those who fail to measure up to stereotypes of proper female behavior are more likely to be sanctioned than male offenders.<sup>181</sup> All too often, the weight of punishment falls on the shoulders of girls of color.<sup>182</sup>

Girls who are involved in behavior considered inappropriate for females are more likely to be formally charged and involved in the juvenile justice system. It may be that tolerance for misbehavior significantly decreases when girls violate gender norms, and the punishment can sometimes be very harsh.<sup>183</sup>

The focus of the juvenile justice system continues to be on girls' sexual behavior. She notes that in the early eras, courts blamed the cause of girls' sexually immoral behavior on bad families, alcohol or drug use, poverty, and immigrant status. Girls may have been incarcerated for immorality, incorrigibility, and truancy, but underlying the recorded charge was usually some form of sexual offense. Girls are not directly arrested and adjudicated for sexual immorality, but the focus remains on their "bad" choices; they are still told to take responsibility for their sexual decisions. In the contemporary era, the correctional focus remains on controlling and micromanaging girls' bodies and sexuality.<sup>184</sup>

The justice system also seems biased against LGBT (lesbian, gay, bisexual, or transgender) people, who are disproportionately incarcerated. Though they make up approximately 6% of the youth population, it is now estimated that LGBT youth comprise 13 to 15% of youth involved in the juvenile justice system.<sup>185</sup>

in self-harm. These reactions can increase the risk of additional harm, including suicide attempts and self-mutilation. To make matters worse, some girls experience new incidents of sexual victimization while in the system. Taken together, lack of appropriate care and re-triggering conditions can lead to a harmful cycle of trauma that often turns inward.

The Georgetown team asserts that arresting and detaining abused girls effectively punishes them for being victims, and it fails to provide the services necessary to heal and recover. It is simply an unacceptable response to child sexual abuse. Some of the many recommendations they make to alleviate this problem include:

- Implement accountability mechanisms to ensure that states comply with standards and guidelines for gender-specific services, including issuing annual public reports on progress toward compliance with standards and guidelines
- Increase funds available to incentivize states to create gender-specific, trauma-informed prevention and treatment programs and services
- Require at least one state advisory group member to have expertise in gender-specific issues, such as sexual

abuse and domestic child sex trafficking, as well as knowledge of effective interventions

- Require states to employ validated, comprehensive screening and assessments to evaluate all children entering the juvenile justice system for trauma and to develop appropriate treatment plans and programming in response to identified needs
- Require states to screen children at intake for commercial sexual exploitation and divert identified victims away from the juvenile justice system whenever possible

### Critical Thinking

Considering the *parens patriae* model that shapes juvenile justice, should abused girls who engage in status offenses fall under juvenile court jurisdiction or would they better be handled within other treatment dispensing agencies?

SOURCE: Malika Saada Saar, Rebecca Epstein, Lindsay Rosenthal, and Yasmin Vaf, Human Rights Project for Girls, "The Sexual Abuse to Prison Pipeline: The Girls' Story," Georgetown Law Center on Poverty and Inequality, <https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2019/02/The-Sexual-Abuse-To-Prison-Pipeline-The-Girls%E2%80%99-Story.pdf#:~:text=Human%20Rights%20Project%20for%20Girls%20works%20to%20make,the%20realization%20of%20their%20full%20potential%20and%20dignity>. (Accessed Jan 2022)

# Summary

## **LO1** Evaluate the contemporary interest in female delinquency

- Early delinquency experts often ignored female offenders, assuming that girls rarely violated the law, or if they did, that their illegal acts were status offenses.
- Contemporary interest in the association between gender and delinquency has surged because girls are now getting involved in serious delinquent acts that are quite similar to those of young men.
- Another reason for the interest in gender studies is that conceptions of gender differences have changed.

## **LO2** Understand gender differences in development including socialization and aggression

- Gender differences in development include socialization, cognition, and personality.
- Psychologists believe that differences in the way females and males are socialized affect their development.
- Although there are few gender differences in aggression during the first few years of life, girls are socialized to be less aggressive than boys and are supervised more closely.
- There are also cognitive differences between males and females starting in childhood.
- In most cases, cognitive differences are small and gradually narrowing.

## **LO3** Analyze how gender differences in personality and behavior develop over the life course

- Some experts suggest that gender differences may have a biological origin: males and females are essentially different.
- Females are more left-brain oriented and males more right-brain oriented.
- A second view is that gender differences are developed over the life course and reflect different treatment of males and females.
- Another view is that gender differences result from the interaction of socialization, learning, and enculturation.

## **LO4** Interpret recent trends in gender differences in the delinquency rate

- Gender differences in the delinquency rates have narrowed.
- Boys still account for more serious violent crime arrests.

- According to self-report data, gender patterns in delinquency have become similar.

## **LO5** Give an example of the early biological explanations of female delinquency

- Lombroso maintained that women were lower on the evolutionary scale than men, more childlike, and less intelligent.
- Women who committed crimes could be distinguished from “normal” women by physical characteristics—excessive body hair, wrinkles, and an abnormal cranium, for example.
- In appearance, delinquent females appeared closer to men than to other women. The masculinity hypothesis suggested that delinquent girls had excessive male characteristics.
- So-called experts suggested that female delinquency goes unrecorded because the female is the instigator rather than the perpetrator.

## **LO6** Compare the different contemporary trait views of female delinquency

- Empirical evidence suggests that girls who reach puberty early are at the highest risk for delinquency.
- One reason is that early bloomers may be more attractive to older adolescent boys, and increased contact with this high-risk group jeopardizes the girls for antisocial behavior.
- One view is that hormonal imbalance may influence aggressive behavior in young girls.
- Another view is that excessive amounts of male hormones (androgens) are related to delinquency.
- Because girls are socialized to be less aggressive than boys, the young women involved in antisocial and violent behavior may suffer from some form of mental anguish or abnormality.
- Clinical interviews indicate that female delinquents are significantly more likely than males to suffer from mood disorders.

## **LO7** Discuss the association between socialization and female delinquency

- Girls may be supervised more closely than boys. If girls behave in a socially disapproved fashion, their parents may be more likely to notice.
- Girls seem to be more deeply affected than boys by child abuse, and the link between abuse and female delinquency seems stronger than it is for male delinquency.



- A significant body of literature links abusive home lives to gang participation and crime.
- The socialization approach holds that family interaction is the key to understanding female delinquency.
- Girls are expected to follow narrowly defined behavioral patterns.

#### **LO8 Evaluate the feminist view of female delinquency**

- Liberal feminism has influenced thinking about delinquency.
- According to liberal feminists, females are less delinquent than males because their social roles provide fewer opportunities to commit crime.
- Critical feminists hold that gender inequality stems from the unequal power of men and women and the subsequent exploitation of women by men.
- Critical feminists focus on the social forces that shape girls' lives. They attempt to show how the sexual victimization of girls is often a function of male socialization and that young males learn to be exploitative of women.

#### **LO9 Critique Hagan's power-control theory**

- John Hagan and his associates have speculated that gender differences in delinquency are a function of class differences that influence family life.

- His power-control theory suggests that class influences delinquency by controlling the quality of family life.
- In paternalistic families, fathers assume the role of breadwinners, and mothers have menial jobs or remain at home.
- In egalitarian families—in which the husband and wife share similar positions of power at home and in the workplace—daughters gain a kind of freedom that reflects reduced parental control.
- Power-control theory helps explain the relative increase in female delinquency by stressing the significance of changing feminine roles.

#### **LO10 Analyze the treatment of girls in the juvenile justice system**

- Gender differences not only have an effect on crime patterns but also may have a significant impact on the way the juvenile justice system treats children.
- As a general rule, males who are involved in the justice system are sanctioned more severely than females.
- Girls are more likely than boys to receive harsh punishment if government officials view their behavior as morally incorrect or if they are considered beyond parental control.
- Girls may still be subject to harsh punishments if they are considered dangerously immoral.

## Key Terms

masculinity hypothesis, p. 252  
gender-schema theory, p. 256  
gender similarities hypothesis, p. 256  
chivalry hypothesis, p. 258

precocious sexuality, p. 259  
callous and unemotional traits (CU), p. 262  
liberal feminism, p. 268

critical feminism, p. 269  
patriarchal, p. 269  
power-control theory, p. 273  
egalitarian families, p. 273

## Questions for Discussion

1. What do you think about the masculinity hypothesis: outdated hooey or still relevant?
2. As sex roles become more homogenous, do you believe female delinquency will become identical to male delinquency in rate and type?
3. Does the sexual double standard still exist?
4. Do you believe that lower-class girls are more strictly supervised today than upper- and middle-class girls? Is control stratified across class lines?
5. Are girls the victims of unfairness at the hands of the justice system, or do they benefit from "chivalry"?

# Viewpoint

As the principal of a northeastern middle school, you get a call from a parent who is disturbed because he heard a rumor that the student literary digest plans to publish a story with a sexual theme. The work is written by a middle school girl who became pregnant during the year and underwent an abortion. You ask for and receive a copy of the narrative.

The girl's story is actually a cautionary tale of young love that results in an unwanted pregnancy. The author details the abusive home life that led her to engage in an intimate relationship with another student, her pregnancy, her conflict with her parents, her decision to abort, and the emotional turmoil that the incident created. She tells students to use contraception if they are sexually active and recommends appropriate types of birth control. There is nothing provocative or sexually explicit in the work.

Some teachers argue that girls should not be allowed to read this material because it has sexual content from which they must be protected, and that in a sense it advocates defiance of parents. Also, some parents may object to a story about precocious sexuality because they

fear it may encourage their children to "experiment." Such behavior, they believe is linked to delinquency and drug abuse. Those who advocate publication believe that girls have a right to read about such important issues and decide on their own course of action. Plus, the state's laws on this issue support a girl's right to choose.

- Should you force the story's deletion because its theme is essentially sexual and controversial?
- Should you allow publication because it deals with the subject matter in a mature fashion?
- Do you think reading and learning about sexual matters encourages or discourages experimentation in sexuality?
- Should young girls be protected from such material? Would it cause them damage?
- Inequalities still exist in the way boys and girls are socialized by their parents and treated by social institutions. Do these gender differences also manifest themselves in the delinquency rate? What effect do gender roles have on behavior choices?

## Doing Research on the Web

To help you answer these questions and to find more information on the issue of school censorship, read the case of *Hazelwood School District et al. v. Kuhlmeier et al.* at <https://www.oyez.org/cases/1987/86-836>. Go to the National Scholastic Press Association journalism website (<https://studentpress.org/nsipa/>) and

the National Coalition Against Censorship (<https://ncac.org/resource/the-first-amendment-in-schools-censorship#:~:text=In%20the%20United%20States%2C%20censorship,ethnicity%E2%80%933what%20directly%20or%20indirectly>) to read more about school news and censorship issues.

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# 8

# The Family and Delinquency

## Learning Objectives

- 1** Explain the link between family relationships and juvenile delinquency
- 2** Chart the changes American families are now undergoing
- 3** Interpret the complex association between family breakup and delinquent behavior
- 4** Summarize why families in conflict produce more delinquents than those that function harmoniously
- 5** Compare and contrast the effects of parental competency and efficacy on delinquency
- 6** Discuss whether having deviant or misbehaving parents affects a child's behavioral choices
- 7** Interpret sibling influence on delinquency
- 8** Discuss the nature and extent of child abuse
- 9** List the assumed causes of child abuse
- 10** Give examples of the child protection system and the stages in the child protection process

## Chapter Outline

### The Changing American Family

Fragile Families  
Child Care  
Economic Stress

### The Family's Influence on Delinquency

Family Breakup  
Family Conflict  
Family Competence  
Family Deviance

### Child Abuse and Neglect

Historical Foundation  
Defining Abuse and Neglect  
Causes of Child Abuse and Neglect  
The Effects of Abuse  
The Extent of Child Abuse  
Monitoring Abuse

The Nature of Abuse  
Sexual Abuse  
Abuse and Delinquency

### The Child Protection System: Philosophy and Practice

Investigating and Reporting Abuse  
The Process of State Intervention  
Disposition and Review  
Criminal Charges  
Foster Care  
The Child Protection System  
The Abused Child in Court

### The Family and Delinquency Control Policy

Improving Parenting Skills  
Mentoring Approaches

## Chapter Features

**Focus on Delinquency:** The Chicken or the Egg

**Focus on Delinquency:** The Importance of a Trauma-Informed Child Welfare System

**International Delinquency:** Child Maltreatment, Exposure to Violence, and Delinquency

**Treating Delinquency:** Homebuilders



**In a surprising decision,** a juvenile court judge ruled that John Croft, a teenager who was just 13 when he shot and killed the parents of his 12-year-old girlfriend, Dorothy. Should be released from prison. The ruling imposed the condition that John spend a year in super-intensive supervised parole and then remain on adult parole until August 2038, the end of his original sentence.

Why the early release? John, now 23, has completed an intensive prison-based treatment program, and justice personnel believe that he can develop a successful transition to civilian life. He excelled in work and school programs, earning a general equivalency diploma and both high school and college credits. John earned carpentry certification and mobile air conditioning and landscaping training, working with the grounds-keeping crew.

What prompted the double murder? At age 9, John and his mother had moved from California to Texas. His family history was troubled: two of his uncles had been murdered, one by a family member. He had been unable to protect his mother from an abusive husband, and after enduring years of domestic violence, she finally moved out of state. John began drug use by age 10 and was soon introduced to gang activity. When he found a girlfriend, it changed his life—but in the wrong direction. It was Dorothy's idea to kill her mother and stepfather because they had grounded her and forbade her to see her young boyfriend. She later told police that the final straw was when they took away her iPad and cellphone. "I knew they had to die." The girl bragged that she was smarter than John and could get him to do anything she wanted. She told him she was pregnant and her stepfather had sexually abused her. While John was initially reluctant to act, he went into a rage upon hearing this news and agreed to carry out the murders.



Dorothy knew her parents' work schedules and where the two youngsters could get a handgun. When her mom Darlene came home sometime after noon, she was shot twice, in the back and the head. Then the teenagers waited for Dorothy's stepfather Alan to come home from work and shot him five times. Unfortunately for the two, he lived long enough to identify his killers.

Under the conditions of his parole, John will wear an ankle monitor and not be able to leave a halfway house for anything other than work, treatment, or worship for the first six months to a year. He will also be required to find stable employment, attend anger management classes and counseling, and refrain from illegal behavior. His girlfriend Dorothy was not given the same deal and remains in custody.<sup>1</sup>

Do you think Dorothy should remain behind bars because her crime—killing a parent—is much worse than John's? Or should they be treated similarly? Would it be appropriate to give someone a life sentence for an act they committed as an underage minor and could not truly understand the gravity of their behavior?

**M**ost delinquency experts agree that interactions between parents and children, siblings, and across genders are the key ingredient in forming a delinquent career. While the story of John and Dorothy may seem extreme (though it is based on actual events), conflict between parents and children can create an atmosphere that breeds violence and other antisocial behavior patterns.<sup>2</sup> In contrast, kids predisposed to delinquency

**LO1**

Explain the link between family relationships and juvenile delinquency

because of abnormal personality traits or living in high-crime areas may improve their life circumstances. Their involvement with antisocial behavior diminishes with positive and effective parenting.<sup>3</sup>

Families may be more important than peer groups in influencing adolescent misbehavior.<sup>4</sup> It is no surprise that research shows that young adults who maintain positive lifestyles report having warm relationships with their parents. At the same time, those who perceived a lack of parental warmth and support were much more likely to get involved in antisocial behaviors.<sup>5</sup> Families that lack the resources to support at-risk youth may be unable to prevent their offspring from entering a delinquent way of life.<sup>6</sup>

Good parenting lowers the risk of delinquency for children living in high-crime areas. Research shows kids resist the temptation of the streets if they receive fair discipline and support from parents who provide them with positive role models.<sup>7</sup>

Warm and supportive relationships with parents provide an environment for adolescents in which they can adapt to environmentally derived stress and strain in a healthy manner. Families that bond and have dinner together regularly seem to be most able to shield children from damaging social and cultural influences.<sup>8</sup> Positive parental relationships promote prosocial behavior even among adolescents exposed to damaging life events or chronic environmental strains.<sup>9</sup> In contrast, kids growing up in chaotic homes, both overcrowded and transient, and subject to physical, sexual, and emotional abuse are the ones most likely to adopt a delinquent way of life.<sup>10</sup> Most importantly, these adverse outcomes do not stop in childhood but affect people throughout life.<sup>11</sup>

Because these issues are critical for understanding delinquency, this chapter analyzes the family's role in producing or inhibiting delinquency. We first cover the changing face of the American family. We will review the way family structure and function influence delinquent behavior. Finally, we review the relationships between child abuse, neglect, and delinquency in some depth.

## LO2

Chart the changes American families are now undergoing

### nuclear family

A family unit composed of parents and their children; this smaller family structure is subject to great stress due to the intense, close contact between parents and children.

## The Changing American Family

The assumed relationship between delinquency and family life is critical today because the American family is changing. Large extended families that all lived in the same town or community, once common, are now anachronisms for the most part. In their place is the **nuclear family**, described as a “dangerous hothouse of emotions” because of the close contact between parents and children; in these families, problems are unrelieved by contact with other kin living nearby.<sup>12</sup>

Family structure in America is also evolving. Two-parent households are declining because divorce, remarriage, and cohabitation are rising. Another recent trend: families are getting smaller due to the increase in single-parent households and a drop in fertility. Today, 4 in 10 births occur to single women or those living with a nonmarital partner.<sup>13</sup>

As the share of children living in a “traditional” family has declined, the number of children living with single or cohabiting parents has increased. While, in the past, a child born to a married couple was very likely to grow up in a home with those two parents, this situation is much less common today. One in every two marriages ends in divorce, and many divorcing families include children.<sup>14</sup> Though parental separations can deeply affect kids, parents are often too preoccupied with their own problems to give their children the help they need. Children may become frightened and confused by the threat to their security. Some parents feel so hurt or overwhelmed by the divorce that they may turn to the child for comfort or direction.<sup>15</sup>

Because of these changes, there is no longer one normative family form. Among baby boomer families (those born from 1946 to 1964), 73% of all children lived in a family with two married parents in their first marriage.

By 1980, only 61% of children lived with two married parents; today, that number has declined to about 50%. In contrast, about 15% of American children live with parents in remarriage, and 7% live with parents who cohabit without marriage. About 26% of American children live with one parent, up from 22% in 2000 and just 9% in 1960.<sup>16</sup>

These changes may be attributed to Americans bailing out of marriage at higher rates than in the past. About two-thirds (67%) of married people younger than 50 are still in their first marriage; that share was 83% in 1960.

While these data indicate that the traditional nuclear family is undergoing stress, the good news is that the divorce rate has been in significant decline for the past decade. The bad news is that the nation remains deeply divided regarding family structure and stability. Single parenthood is about twice as high for children from families with less education and children of color. This family inequality leaves many working-class and poor children “doubly disadvantaged”—navigating life with less money *and* an absent parent.<sup>17</sup>

## Fragile Families

Nonmarital childbearing increased dramatically in the United States during the latter half of the twentieth century, changing the context in which American children are raised and giving rise to a new family form—*fragile families*, defined as unmarried couples with children. Some analysts see these changes as a positive sign of greater individual freedom and women’s economic independence; others argue that they contribute to poverty and income inequality.<sup>18</sup> Given the importance of families to children’s health and development, researchers and policy makers have become increasingly interested in the nature of parental relationships in fragile families and their implications for children’s future life chances, especially children’s access to resources and the stability and quality of these resources. Parents living in cooperative, stable unions tend to pool their incomes and work together to raise their children. By contrast, those living apart in uncooperative relationships can jeopardize their child’s financial and social resources. Such living arrangements can also impact a child’s well-being; research indicates that child abuse is more likely to occur in two-parent families where one caretaker is a live-in boyfriend or stepfather.<sup>19</sup>

In sum, unmarried parents have high hopes for a future together when their child is born. Relationship quality and father involvement are high. Underlying this optimism, however, are signs of problems, including distrust of the opposite sex and a belief that a single mother can raise a child as well as a married mother can. Five years later, the picture is more mixed. On the positive side, about a third of parents live together, about half of non-cohabiting fathers see their child regularly, and co-parenting relationships are positive. On the negative side, a third of fathers have virtually disappeared from their children’s lives. New partnerships and new children are common, leading to high instability and growing complexity in these families.

**Teen Moms/Single Moms** Living in a single-parent home, especially one headed by an unmarried teenage mother, has long been associated with difficulties for both the mother and her child. As you may recall, kids born into single-parent homes are more likely to live in poverty and experience long-term physical and social difficulties. One reason is that more than 90% of teens who give birth today are unmarried, compared with 62% in 1980, and young single moms may have a tough time earning a decent living in a tough economy.<sup>20</sup>

Very often, these conditions are interactive: teen moms suffer social problems, which negatively affect their children. Research shows that by age 14, when compared to the children of older moms, the offspring of teen mothers were more likely to have disturbed psychological behavior, poorer school performance, and poorer reading ability. Teen girls most likely to get pregnant are those with less favorable socioeconomic conditions, such as poor education and low family income. Teens in child welfare systems are at higher risk of teen pregnancy and birth than other

groups: young women living in foster care are more than twice as likely to become pregnant than those not in foster care.

They were also involved with the criminal justice system and likely to smoke and drink regularly. However, the connection between teen moms and troubled children flows through their economic circumstances—those without economic means were much more likely to produce troubled kids than those who enjoyed support, financial and otherwise, from their families.<sup>21</sup>

While teenage moms still experience difficulties, there are significantly fewer of them in the population than there were 20 years ago. Availability of birth control, the delay of sexual activity, and the legalization of abortion have helped reduce the number of pregnant teens. The U.S. teen birth rate (births per 1,000 females aged 15 to 19 years) has been declining since 1991 when it was more than 60 births per 1,000; today, it is closer to 17 per 1,000 females.<sup>22</sup> Now that *Dobbs v. Jackson* has overturned the *Roe v. Wade* decision, the decline in teenage births may be ended or reversed.<sup>23</sup>

## Child Care

Charged with caring for children is a daycare system whose workers often earn minimum wage. According to the Children's Defense Fund, the high cost of child care and lack of early childhood investments leaves many children without quality care during critical years of brain development.

- State funded programs. About 34% of 4-year-olds and 6% of 3-year-olds are enrolled in a state funded preschool program.<sup>24</sup>
- Family child care homes. Independent providers care for small groups of children in a residential building or in their own homes.
- Child care centers. Have an in-house staff. Can either be for profit or non-profit and owned by an individual or institution such as a church.
- Licensed child care homes. Run by an individual. They are loosely monitored by the state.
- Unlicensed child care homes. Single provider takes care of three to nine children without state intervention or oversight.
- Family, friend, and neighbor care.

Child care costs are a major burden on parents. Child care for an infant costs more than public college tuition. More than 80% of two-child families paid more for child care than rent.

Many small institutions are neither licensed nor closely monitored by state authorities. Each state has different standards: Some require licensing for family child care homes if they care for more than one child unrelated to the provider. Others require no regulations unless the provider cares for six or more children. Some require license-exempt providers to follow certain health and safety requirements and be monitored regularly; though the demands are usually less strict than those for licensed providers, not all states bother with such standards.<sup>25</sup>

Children from poor families are much more likely to be cared for in one of these small, non-licensed providers that typically have lower or no fees if run by a friend or relative. Even in states that mandate registration and inspection of daycare providers, it is estimated that 90% or more of the facilities operate “underground.” It is not uncommon for one adult to care for eight infants, an impossible task regardless of training or feelings of concern. During times of economic downturn, such as during the COVID pandemic, unlicensed child care provides a more reasonable alternative to state-regulated and therefore more costly licensed centers. Because punishments are typically a small fine, prosecutors rarely go after unlicensed child care operators unless tragedy strikes. It has become routine for children to die in these unlicensed facilities due to lack of care or outright neglect.



Children from working low-income families are most likely to suffer from inadequate child care; these children often spend time in makeshift arrangements that allow their parents to work but lack the stimulating environment children need to thrive. Unlike many other Western countries, the United States does not provide universal daycare to working mothers. Lack of access to affordable, high-quality child care is frequently the tipping point that catapults a family into poverty, joblessness, and homelessness—a constant threat to the well-being of lower-class women and children.<sup>26</sup>

## Economic Stress

The family is also undergoing economic stress. As you may recall, about 15 million children live in impoverished families. Most indigent families live in substandard housing without adequate health care, nutrition, or child care. Those with incomes above the poverty line are deprived of government assistance.

Will this economic pressure be reduced in the future? In addition to recent economic upheaval and high unemployment rates, the family will remain under stress because of changes in the population makeup. Life spans are increasing, and as a result, the number of senior citizens is rising. Since 1900, the percentage of Americans age 65 and older has nearly quadrupled (from 4% in 1900 to 16% today), and the number has increased more than 17 times (from 3 million to 54 million). These numbers reflect that people are living longer due to medical breakthroughs that extend lifetimes: A child born today can expect to live to 79; a child born in 1900 could expect to live to age 47. Currently, about 6 million people over 80 years of age are living in the United States, and that number will rise to 14 million by 2050.<sup>27</sup>

The population shift will present significant social problems. As people retire, fewer workers will be able to cover Social Security, medical care, and nursing home care costs. Because the elderly will require a greater percentage of the nation's income for their care, less money will be available to care for needy children. These costs will put greater economic stress on families. Voter sentiment impacts the allocation of public funds, and there is concern that an older generation, worried about health care costs, may be reluctant to spend tax dollars on at-risk kids.

Rand Conger, one of the nation's leading experts on family life, has found that economic stress harms parents and children. According to his "family stress model" of economic hardship, such factors as low income and income loss increase parents' sadness, pessimism about the future, anger, despair, and withdrawal from other family members. Economic stress affects parents' social-emotional functioning through the daily pressures it creates, such as the inability to pay bills or acquire necessities (adequate food, housing, clothing, and medical care). As parents become more emotionally distressed, they tend to interact with one another and their children in a more irritable and less supportive fashion. These behavior patterns increase instability in the marriage and disrupt effective parenting practices, such as monitoring children's activities and using consistent and appropriate disciplinary strategies. Marital instability and disrupted parenting, in turn, increase children's risk of suffering developmental problems, such as depression, substance abuse, and engaging in delinquent behaviors. These economic stress processes also decrease children's ability to function competently in school and with peers.<sup>28</sup>

## The Family's Influence on Delinquency

The effect of these family stressors can have a significant impact on children's behavior. The family is the primary unit in which children learn the values and attitudes that guide their actions throughout their lives. Family disruption or change can have a long-lasting impact on children. In contrast, effective parenting can help neutralize the effect of both individual (e.g., emotional problems) and social (e.g., delinquent peers) forces, which promote delinquent behaviors.<sup>29</sup> Having an intact family can

also improve the life and behavior of parents. Research shows that fathers within intact families reduce their offending both several years before their child's birth and continue at a lower rate several years later. The reductions in offending are even more significant when the dad stays with the family for at least five years after their child's birth.<sup>30</sup>

Four categories of family dysfunction seem to promote delinquent behavior: families disrupted by separation and divorce, families involved in interpersonal conflict, ineffective parents who lack proper parenting skills, and families with deviant parents who may transmit their behavior to their children (see Figure 8.1).<sup>31</sup> These factors may interact: drug-abusing parents may be more likely to experience family conflict, child neglect, and marital breakup. We now turn to the specific family problems linked to delinquent behavior.

### LO3

Interpret the complex association between family breakup and delinquent behavior

## Family Breakup

One of the most enduring controversies in the study of delinquency is the relationship between a parent absent from the home and the onset of delinquent behavior. Parents or guardians act as the primary source of informal social control. When a breakdown in the family occurs, the social control function is interrupted, and children are free to get involved in antisocial behaviors.<sup>32</sup>

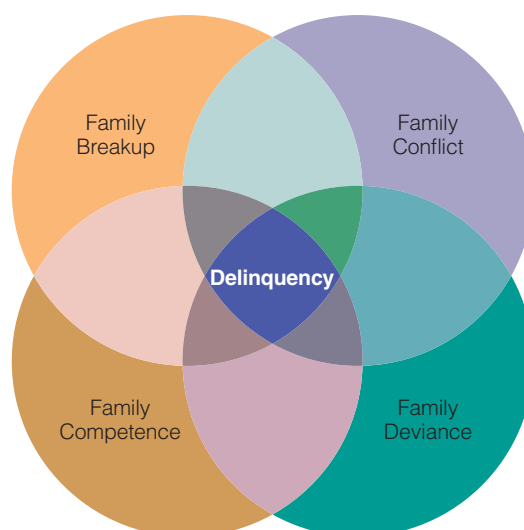
The association between family breakup and delinquency is particularly important since divorce and remarriage have become commonplace. Fewer people are getting married today than before: the share of all adults who have married once has fallen markedly. Nonetheless, the chance of breakup is extremely high among those who get married. According to the American Psychological Association, about 40 to 50% of married couples in the United States divorce. The divorce rate for subsequent marriages is even higher.<sup>33</sup> While these results are sobering, the divorce rate for adults ages 25 to 39 has fallen from 30 persons per 1,000 in the total population in 1990 to about 24 per 1,000 today. The decline has been partly attributed to younger generations putting off marriage until later. Because divorce is so prevalent, it is no surprise that more than 40 million adults in the United States have been married more than once, up from 22 million in 1980. The number of remarried adults has tripled since 1960 when there were 14 million.<sup>34</sup>

Research indicates that parents whose marriage is secure produce self-confident and independent children.<sup>35</sup> In contrast, children raised in homes with one or both parents absent may be more prone to engaging in antisocial behavior.<sup>36</sup> Many experts contend that an absent parent strongly determines a child's law-violating behavior. The connection seems self-evident because a child is first socialized at home; any disruption in an orderly family structure could negatively impact the child.

Figure 8.1

### Family Influences on Behavior

Each of these four factors has been linked to antisocial behavior and delinquency. Interaction between these factors may escalate delinquent activity.



The suspected parent absent home–delinquency relationship is important because, if current trends continue, less than half of all children born today will live continuously with their mother and father throughout childhood. And because stepfamilies, also called **blended families**, are less stable than families consisting of two biological parents, an increasing number of children will experience family breakup two or even three times during childhood. Unfortunately, more than 60% of blended families are re-broken because of another divorce. This situation is stressful for everyone concerned, especially for the involved children.<sup>37</sup>

Children who have experienced a family breakup are more likely to demonstrate behavior problems throughout life.<sup>38</sup> Conversely, marriage seems to promote conventional behavior: the more married couples in a community, the lower the juvenile violence rate.<sup>39</sup>

The effects of a divorce seem gender-specific:

- Boys seem to be more affected by the post-divorce absence of the father. In post-divorce situations, fathers seem less likely to be around to solve problems, discuss standards of conduct, or enforce discipline. A divorced father who remains actively involved in his child's life reduces his son's chances of delinquency.
- Girls are more affected by the quality of the mother's parenting and post-divorce parental conflict. Extreme levels of parental conflict may serve as a model to young girls coping with the aftermath of their parents' separation.
- Distinct racial and ethnic differences occur in the impact of divorce/separation on youth. Some groups (e.g., Hispanics, Asians) have been raised in cultures where divorce is rare and parents have less experience developing childrearing practices that buffer the effects of family breakup on adolescent problem behavior.<sup>40</sup>

**Divorce and Delinquency** The relationship between parental absent homes and delinquency has been controversial. It was first established in early research, suggesting a significant association between parental absence and youthful misconduct.<sup>41</sup> For many years the link was clear: children growing up in single-guardian homes were much more likely to fall prey to delinquency than those who lived in two-parent households.<sup>42</sup>

Beginning in the late 1950s, some researchers began questioning the link between parent absent homes and delinquency. Early studies, they claimed, used the records of police, courts, and correctional institutions.<sup>43</sup> Sampling bias may have tainted this research: youths from absent-parent homes may get arrested and processed to juvenile court more often than youths from intact families. However, this does not necessarily mean they engage in more frequent and serious delinquent behavior. Official statistics may reflect the fact that agents of the justice system treat children from disrupted households more severely because they cannot call on parents for support. The *parens patriae* philosophy of the juvenile courts calls for official intervention when parental supervision is considered inadequate.<sup>44</sup> Several subsequent studies using self-report data have failed to establish any clear-cut relationship between parent-absent homes and delinquent behavior.<sup>45</sup> Boys and girls from intact families seem as likely to self-report delinquency as divorced or separated parents. Researchers concluded that the absence of parents has a more significant effect on agents of the justice system than it does on children's behavior.<sup>46</sup>

**The Link Between Divorce and Delinquency** The consensus is that a family breakup is, in fact, traumatic and most likely has a direct influence on adolescent misbehavior.<sup>47</sup> Research shows that the more often children are forced to go through family transitions, the more likely they are to engage in delinquent activity.<sup>48</sup> So the prevailing wisdom today is that divorce is related to delinquency and status offending, especially if a child has a close relationship with the parent who leaves the home.<sup>49</sup>

### **blended families**

Nuclear families that are the product of divorce and remarriage, blending one parent from each of two families and their combined children into one family unit.

Of course, not all kids growing up in homes where parents are divorced or separated turn to delinquency. Most do not, and most grow up to live happy and fulfilled lives. One divorce situation is different from another, and these differences may explain the effect of family dissolution on a child's misbehavior. Among the suspected links:

1. **Reaction to marital breakup.** Separation may not alleviate ongoing animosity if a divorce is hostile and filled with anger and rage. Domestic violence that may have been present in stress-filled marriages does not abate after separation but merely shifts to ex-partners targeted in the aftermath of divorce.<sup>50</sup> Parents who continue their marital turmoil post-divorce may, in turn, influence their children to misbehave.
2. **Pre-divorce parental behavior.** If parents themselves engage in high levels of antisocial behavior, their leaving home may improve children's behavior. Staying married may not be the answer to the problems children face unless parents are reliable sources of emotional and economic support.<sup>51</sup> So the effect of divorce will depend on whether parents were positive or negative role models.
3. **Family breakup.** Family breakup is not the per se cause of children's misbehavior; instead, it's the aftermath of divorce that is to blame. Newly single parents may spend more time socializing outside the home, looking for new romantic partners at the expense of family time. Less supervision and a reduction of family attachments may be the real culprit, not the events leading up to divorce.<sup>52</sup> Children who maintain post-divorce attachments to their parents are less likely to engage in delinquency than those who are alienated and detached.<sup>53</sup>

**Long-Term Effects** Not only does divorce hurt kids in the near term, but it also has long-term consequences that harm their childhood and may last into adulthood. Children who grow up apart from their biological fathers typically do less well than children who grow up with both biological parents. They are less likely to finish high school and attend college, less likely to find and keep a steady job, and more likely to become teen parents. Although most children who grow up with a single parent do pretty well, differences between children in one- and two-parent families are significant. Fairly good evidence suggests that father absence is responsible for some social problems.<sup>54</sup>

In their classic book *The Unexpected Legacy of Divorce*, Judith Wallerstein, Julia Lewis, and Sandra Blakeslee reported on a longitudinal study with 131 children whose parents divorced during the children's adolescence.<sup>55</sup> They found that children of divorce develop lingering fears about their own ability to develop long-term relationships; these fears often impede their ability to marry and raise families. While most parents can reduce their emotional pain and get on with their lives a few years after they separate, this is not true of their children, whose emotional turmoil may last for decades. Wallerstein and her associates found that adolescents who experienced divorce still struggle with the fear that their relationships will fail like those of their parents.

While divorce may take a heavy toll, many kids who experience family breakups are indeed able to get through the ordeal in good shape. When E. Mavis Hetherington and John Kelly studied the children of divorce, they found that many do undergo some trauma, but for the most part, they are much better off than those Wallerstein encountered.<sup>56</sup> While children in single-parent families and stepfamilies have more psychological problems than those in intact families, more than 75% ultimately do as well as children from intact families.<sup>57</sup>

The influence of family conflict on delinquency is explored further in the Focus on Delinquency feature entitled "The Chicken or the Egg."



# Focus on Delinquency

## The Chicken or the Egg

Which comes first, bad parents or bad kids? Does parental conflict cause delinquency, or do delinquents create family conflict? Although damaged parent–child relationships are associated with delinquency, it is often difficult to assess the relationship. Delinquency is assumed to be caused by preexisting family problems. When Kristen Buist and her colleagues measured the association between family functioning and delinquency, they found that families characterized by negativity, annoyance, hostility, disagreements, and conflicts between parents, children, and siblings are the most likely to produce offspring who later violate the law.

While the family conflict leading to delinquency Buist found may seem clear-cut, it is also possible that continually misbehaving children put enormous stress on a family. Their behavior is the cause of family conflict that eventually works to destabilize households. To avoid the escalation of a child's aggression, parents may give in to their demands. Children learn that aggression pays off. Parents may feel overwhelmed and shut their children out of their lives. So the actual association is: Adolescent misbehavior creates family conflict; family conflict leads to increased adolescent misconduct; a misconduct-conflict loop produces an endless cycle of family stress and delinquency.

There is some evidence that the delinquency breeds conflict association is valid. When David Huh and colleagues surveyed nearly 500 adolescent girls, they found little evidence that poor parenting is a direct cause of children's misbehavior. Rather, children's problem behaviors undermine parenting effectiveness. *Increases* in adolescent behavior problems, such as substance abuse, resulted in *decreases* in parental control and support. In contrast, parents' problems played only a small role in escalating their children's deviant or behavioral problems. Huh suggests that parents whose children consistently act out may eventually become exasperated and give up on attempts at control.

Martha Gault-Sherman also found that family conflict may escalate *after* kids get involved in delinquency and that the parent–child relationship is interactional. While a lack of

parental attachment affects delinquency, an adolescent's delinquency creates parental detachment. Involvement *declines* after kids get in trouble or engage in delinquency.

Is there a genetic component to the relationship? John Paul Wright and Kevin Beaver suggest that delinquent kids reside in conflict-ridden families because they have inherited traits, such as low self-control. Wright and Beaver claim that impulsivity and attention deficit hyperactivity disorder—both aspects of low self-control—are inherited. Therefore, what appears to be the effect of bad parenting or family conflict is caused by “bad genes.” Because of this genetic effect, the role of parenting may be more complicated than is typically assumed. Parents may help nullify or amplify the effect of inherited traits differently for each of their children. So the genetically determined traits of a child may likely influence how a parent treats the child, not vice versa. It is possible then that family conflict is associated with delinquency because both parents and children have inherited a genetic disposition toward conflict and antisocial behavior.

### Critical Thinking

There may be a bright side to the association between family conflict and delinquency: adult offenders have been found to receive more parental financial assistance than do their non-offending siblings. Parents may not want to give up on their troubled children. Maybe it's because they feel guilty for causing their kids to commit crimes! What do you think?

SOURCES: Kirsten Buist, Veroni Eichelsheim, William. Cook, Pol A. C. van Lier, Hans M. Koot & Wim H. J. Meeus “Family negativity and delinquent behavior in adolescence: a predictive multivariate latent growth analysis,” *Psychology, Crime & Law* 26: 849–867 (2020); Martha Gault-Sherman, “It's a Two-Way Street: The Bidirectional Relationship Between Parenting and Delinquency,” *Journal of Youth and Adolescence* 41:121–145 (2012); Sonja Siennick, “Tough Love? Crime and Parental Assistance in Young Adulthood,” *Criminology* 49:163–196 (2011); David Huh, Jennifer Tristan, Emily Wade, and Eric Stice, “Does Problem Behavior Elicit Poor Parenting? A Prospective Study of Adolescent Girls,” *Journal of Adolescent Research* 21:185–204 (2006); John Paul Wright and Kevin Beaver, “Do Parents Matter in Creating Self-Control in Their Children? A Genetically Informed Test of Gottfredson and Hirschi's Theory of Low Self-Control,” *Criminology* 43:1169–1202 (2005).

## Family Conflict

Not all unhappy marriages end in divorce; some continue in an atmosphere of conflict. Intrafamily conflict is a common experience in many American families. The link between parental conflict and delinquency was established more than 50 years ago when F. Ivan Nye found that a child's perception of their parents' marital happiness was a significant predictor of delinquency.<sup>58</sup> Contemporary studies support these early findings that children who grow up in maladapted homes and witness

### LO4

Summarize why families in conflict produce more delinquents than those that function harmoniously

### Intrafamily violence

An environment of discord and conflict within the family; children who grow up in dysfunctional homes often exhibit delinquent behaviors, having learned at a young age that aggression pays off.

conflict, discord, or violence later exhibit emotional disturbance and behavior problems.<sup>59</sup> There seems to be little difference between the behavior of children who merely witness **intrafamily violence** and those who are its victims.<sup>60</sup> Children who experience family violence are more likely to act out than those who avoid relational conflict. However, children who experienced indirect types of family violence, such as exposure to the physical abuse of a sibling, are more likely to externalize behavior scores than children who experienced direct maltreatment and child physical abuse.<sup>61</sup>

So families in which there is significant negativity, characterized by annoyance, hostility, disagreements, and conflicts between parents, children, and siblings, are the most likely to produce offspring who violate the law in adolescence and throughout the life course.<sup>62</sup>

Which is worse, growing up in a home marked by conflict or growing up in a broken home? Research shows that children in parent-absent homes and high-conflict intact homes were worse off than those in low-conflict, intact families.<sup>63</sup> Unsurprisingly, both boys and girls involved in the juvenile justice system report experiencing significant stress levels due to family problems ranging from substance abuse to criminality and incarceration. Youth who felt stress caused by family conflict were prone to depression and drug abuse.<sup>64</sup> The following International Delinquency feature looks at this issue in a multinational setting.

## International Delinquency

### Child Maltreatment, Exposure to Violence, and Delinquency

A close association between abuse and delinquency exists in the United States, but do the same patterns occur abroad? Several recent studies find that it does. Majone Steketee, Claire Aussems, and Ineke Haen Marshall, using a very large sample of more than 57,000 international children aged 12 to 16 years from 25 countries, found strong support for the hypothesis that children tend to reproduce their parents' behavior. They found that a child's exposure to both personal maltreatment and intimate-partner violence among their parents was highly predictive of involvement with crime, especially violent behavior. The relationship was continuous: The higher the level of child maltreatment, the higher the involvement of juveniles in violent delinquency. Interestingly, attachment has little effect on children's behavior, suggesting that teens may be more oriented toward their peers than their parents. However, parents who monitor their children and have moral authority can somewhat mediate the effect of intimate partner violence on children. They provide several possible explanations for their findings:

- Growing up in an environment where violent behavior is normal, children, through modeling and imitation, learn that aggression is an effective way to deal with problems.
- Exposure to parental violence is a source of strain in a child's life, producing negative emotions and aggressive behavior.

- Parental knowledge and monitoring of the children's whereabouts have a protective influence on the violent behavior of juveniles. Parents who display this concern are also less likely to be violent and, therefore, more likely to produce nonviolent children.

Based on their findings, treatment personnel should focus on reducing or ending violence in families and establish a safe and secure environment for children to grow up. They advise practitioners to compose a personalized multicomponent treatment for both parents and children, including attention to restoring the parental competence for supervising their children and restoring their parental moral authority toward their children. The treatment should include supporting parents to improve their parenting skills and include psychoeducation about child maltreatment and the importance of parental knowledge and supervision in preventing their children's delinquent or other problematic behavior.

#### Critical Thinking

Do you believe there is a solution to reversing the effects of family abuse? Can seriously abused children shrug off their early experiences as they mature? Think of your own life. Do early childhood experiences still influence you in your adulthood?

SOURCES: Majone Steketee, Claire Aussems, and Ineke Haen Marshall, Exploring the Impact of Child Maltreatment and Interparental Violence on Violent Delinquency in an International Sample, *Journal of Interpersonal Violence* 36: 7319–7349 (2021).

## Family Competence

Children raised by parents who lack proper parenting skills are more at risk than those whose parents are supportive and effectively control their children in a non-coercive fashion.<sup>65</sup> Parents who are overly strict and controlling are more likely to produce children with behavioral problems.<sup>66</sup> Other parents are overly permissive and indulgent. They are warm and receptive to their children's needs but place few boundaries and establish few rules; their kids are needy and lack self-control. Permissive yet disengaged parenting has been associated with negative behavioral outcomes.<sup>67</sup> In contrast, some overly authoritarian parents may lose legitimacy with their offspring despite their controlling efforts.<sup>68</sup>

The quality of parenting becomes more acute when kids lack other forms of social support. Research findings have shown that the impact of uninvolved and permissive parenting on problematic youth outcomes is greater in higher-risk neighborhoods. In other words, parental competence is required if a youngster hopes to escape the damage wrought by living in a disorganized lower-class neighborhood.<sup>69</sup> In contrast, properly supervised children, especially in disorganized areas, are less likely to succumb to the temptations of the streets. Even children who appear at risk can resist involvement in delinquent activity when they report that they can communicate with their parents.<sup>70</sup>

Parents of beyond-control youngsters can be inconsistent rule-setters, less likely to show interest in their children, and display high levels of hostile detachment. Children who feel inhibited with their parents and refuse to discuss important issues are more likely to engage in illegal activities. Kids who report having troubled home lives also exhibit lower levels of self-esteem and are more prone to antisocial behaviors.<sup>71</sup>

**Parental Efficacy** If bad or incompetent parenting can produce antisocial children, can competent parenting produce the opposite result? Research shows that competent families produce children who refrain from anti-social behavior. Those families with significant family social capital, who had close family bonds, seem the most effective. **Family social capital** involves traits, such as when children feel close to their mothers and fathers and see them as warm and loving. Children in these families enjoy good communication with parents; they can talk to parents about personal matters, school, and grades. There are also family activities, ranging from going shopping together to attending religious services as a family. Finally, family social capital involves parents who can set limits on who kids can hang around with, what time they have to be home, what they eat, etc.<sup>72</sup>

Studies show that delinquency will be reduced if both or at least one parent provides the type of structure that integrates children into families while giving them the ability to assert their individuality and regulate their own behavior.<sup>73</sup> This phenomenon is called **parental efficacy**.<sup>74</sup> In some cultures, emotional support from the mother is critical, whereas, in others, the father's support remains the key factor.<sup>75</sup> Adolescents whose parents maintain close relationships with them report less delinquent behavior and substance use, regardless of the type of family structure—blended families, same-sex parents, and so on. Kids who reside in homes where parents are warm and giving are more likely to develop personality traits such as a positive self-image that helps them avoid the lure of delinquent behaviors.<sup>76</sup> This finding suggests that the quality of parent-adolescent relationships better predicts adolescent outcomes than family type.<sup>77</sup>

**Inconsistent/Harsh Discipline** Parents of delinquent youths tend to be inconsistent disciplinarians, either overly harsh or extremely lenient. One debate concerns the efficacy of using physical discipline. National surveys find mixed views. Parents who advocate physical punishment believe that it is a necessary aspect of disciplining practices that produce well-behaved children; in contrast, opponents state that physical discipline harms children psychologically and interferes with their development.<sup>78</sup>

### LO5

Compare and contrast the effects of parental competency and efficacy on delinquency

#### family social capital

Relationships composed of bonds between parents and children, which include the time and attention parents spend communicating and interacting with children, investment in their activities, and promotion of their well-being.

#### Parental efficacy

Families in which parents integrate their children into the household unit while helping them assert their individuality and regulate their own behavior.

Opponents of physical punishment believe it weakens the bond between parents and children, lowers the children's self-esteem, and undermines their faith in justice. Physical punishment may encourage children to become more secretive and dishonest.<sup>79</sup> Overly strict discipline may have an even more insidious link to antisocial behaviors: abused children have a higher risk of neurological dysfunction than nonabused, and brain abnormalities have been linked to violent crime.<sup>80</sup>

Despite public support for corporal punishment, there is growing evidence that Cathy Widom's "cycle of violence" hypothesis is valid. Children subject to minimal physical punishment may be more likely to use violence themselves.<sup>81</sup> Children who experience violence in childhood are at an increased risk of becoming perpetrators of violence later in life. These children are also at an increased risk for mental health problems, suicide attempts, greater alcohol problems, lower employment rates, and decreased cognitive and intellectual functioning levels.<sup>82</sup>

Widom is not alone. Pioneering sociologist Murray Straus reviewed physical discipline in a series of surveys and found a powerful relationship between exposure to physical punishment and later aggression.<sup>83</sup>

Nonviolent societies are also ones in which parents rarely punish their children physically; there is a link between corporal punishment, delinquency, spousal abuse, and adult crime.<sup>84</sup> Research conducted in 10 European countries shows that the degree to which parents and teachers approve of corporal punishment is related to the homicide rate.<sup>85</sup>

**Inconsistent Supervision** Evidence also exists that inconsistent supervision can promote delinquency. Early research by F. Ivan Nye found that mothers who threatened discipline but failed to carry it out were more likely to have delinquent children than those who were consistent in their discipline.<sup>86</sup>

Nye's early efforts have been supported by research showing a strong association between ineffective or negligent supervision and a child's involvement in delinquency.<sup>87</sup> The data show that youths who believe their parents care little about their activities are more likely to engage in criminal acts than those who believe their parents closely monitor them.<sup>88</sup> In contrast, parents who are "demanding," who closely monitor their children, set behavioral expectations, and consistently apply consequences for violating those standards without using physical violence are the ones most likely to produce children who are crime free. Similarly, warm and supportive parents who are attuned to their children's needs and who encourage individuality and self-regulation are also likely to produce law-abiding youth and adults.<sup>89</sup>

In contrast, kids who are not closely supervised spend more time in the community with their friends and are more likely to get into trouble. Poorly supervised kids may be more prone to acting impulsively and, therefore, less able to employ self-control to restrain their activities.<sup>90</sup> However, the quality of parenting rather than mere presence or absence of parent supervision seems to be most important. Take, for instance, children with working mothers and fathers. While working parents have less supervision time than non-working parents, most research finds little evidence that parental employment affects youthful misbehavior, especially when children are adequately supervised.<sup>91</sup> The key seems to be a parent's ability to have emotional bonds with their children. Emotional bonds ultimately protect youths from delinquent peer associations, regardless of whether they have working or stay-at-home moms and dads.<sup>92</sup>

**Resource Dilution** Parents may find it hard to control their children because they have such large families that their resources, such as time, are spread too thin (**resource dilution**). It is also possible that the relationship is indirect, caused by the connection of family size to some external factor; resource dilution has been linked to educational underachievement, long considered a correlate of delinquency.<sup>93</sup> Middle children may suffer because they are most likely to be home when many siblings are also at home, and economic resources are most stretched. Large families are more likely to produce delinquents than small ones, and middle children are more likely to engage in delinquent acts than first- or last-born children.

### Resource dilution

A condition that occurs when parents have such large families that their resources, such as time and money, are spread too thin, causing lack of familial support and control.



**Family Misbehavior** Several studies have found that parental misbehavior has a powerful influence on delinquent behavior.<sup>94</sup> Children socialized in homes where parents drink, take drugs, or commit crimes are more likely to engage in those behaviors themselves.<sup>95</sup> One reason is that, as Edwin Sutherland (see Chapter 5) suggests, kids may learn delinquent attitudes, values, and behaviors from their parents. As Peggy Giordano has found, children model their behavior after conduct and actions to which they have been exposed early in life, particularly aggressive actions.<sup>96</sup> Take, for instance, children who witness intimate partner violence (IPV) or are victims of child abuse, are later more aggressive, more likely to engage in delinquency, and later be arrested as juveniles and adults. Parental substance abuse, Giordano notes, is a reliable correlate and predictor of the child's later use. A significant percentage of children placed in foster care or living with a grandparent have experienced problems related to parental substance use. Thus, such children are likely to have been directly exposed to and influenced by these behaviors as they have observed them within the home. In addition to behavior, parents communicate attitudes that support crime. So, in addition to observing and modeling parental misbehavior, children may inculcate pro-crime parental attitudes. The abusive parent may not only be observed in acts of violence but heard espousing the need to be aggressive and dominant when they perceive verbal or physical threats.

Fathers with a long history of criminality have been found to produce sons who are also likely to get arrested.<sup>97</sup> The effects can be both devastating and enduring: the children of deviant parents produce delinquent children themselves.<sup>98</sup> The Cambridge Youth Survey and the Cambridge Study in Delinquent Development (CSDD), a highly respected longitudinal cohort study conducted in England by David Farrington, has found that a significant number of delinquent youths have criminal fathers. About 8% of the sons of noncriminal fathers became chronic offenders, compared to 37% of youths with criminal fathers.<sup>99</sup> The CSDD also found that school yard bullying may be both inter- and intragenerational. Bullies have children who bully others, and these second-generation bullies grow up to become the fathers of children who are also bullies in the schoolyard.<sup>100</sup> Thus, one family may have a grandfather, father, and son who are or were school yard bullies.<sup>101</sup>

**Parental Involvement in the Justice System** The negative effect of having deviant parents is enhanced if they suffer arrest, conviction, and incarceration.<sup>102</sup> Parental incarceration seems to take the worst toll: children whose parents go to prison are much more likely to be at risk of delinquency and suffer an arrest by age 25 than children of nonincarcerated parents.<sup>103</sup> While it is possible that being separated from parents for any reason is related to delinquency, research shows that children who suffer parental separation due to illness, death, or divorce are less likely to become delinquents than those who are separated due to incarceration. Separation caused by parental imprisonment causes severe and long-term harm.<sup>104</sup>

While having an incarcerated parent may result in less supervision and family cohesion, it may be problems that preceded imprisonment—intrafamily conflict and abuse—that have the greatest influence on a child's subsequent delinquency.<sup>105</sup> When Peggy Giordano studied the lives of kids whose parents were incarcerated, she found that while family problems had preceded the arrest and incarceration, they continued and were exacerbated even after the parent was released. Economically disadvantaged women partnered up with highly antisocial men and were locked into a pattern of continued drug use and antisocial behaviors. They created a family climate of extreme unpredictability and stress for their children; family problems were intergenerational. Over time, many of these kids growing up in dysfunctional families find themselves in trouble with the law. They are doomed to produce another generation of children who face the same sort and level of social problems.<sup>106</sup>

**Delinquent Siblings** Some evidence also exists that having delinquent siblings may influence behavior; research shows that if one sibling is a law violator, there is a significant likelihood that his brother or sister will engage in delinquent

## LO6

Discuss whether having deviant or misbehaving parents affects a child's behavioral choices

## LO7

Interpret sibling influence on delinquency

behaviors.<sup>107</sup> Not surprisingly, siblings who maintain a warm relationship and feel close to one another are also likely to behave similarly. If one of these siblings takes drugs and engages in delinquent behavior, so will his brother or sister.<sup>108</sup> Several interpretations of these data are possible:

- Similar social and economic factors influence siblings who live in the same environment; it is not surprising that their behavior is similar.
- Delinquency is genetically determined, and brothers or sisters share the traits that cause one sibling to engage in delinquency.
- Delinquent siblings grow closer because of shared interests. The relationship may be due to personal interactions: younger siblings imitate older siblings.
- One of the most common forms of child abuse involves siblings. Delinquent siblings may have shared experiences with abuse. Research shows that sibling experiences with violence are significantly related to substance use, delinquency, and aggression.<sup>109</sup>

**Why Family Deviance Is Intergenerational** Although the intergenerational transmission of delinquency has been established, the link is still uncertain. Several factors may play a role:

- **Inheritance/genetic factors.** The link between parental behavior and a child's delinquency misbehavior may be genetic.<sup>110</sup> Parents of delinquent youths have been found to suffer neurological conditions linked to antisocial behaviors, which may be inherited genetically.<sup>111</sup> Childhood misbehavior may be strongly genetically influenced, with little or no environmental or experiential effect.<sup>112</sup> If children behave like their parents, it's because they share the same genes and not because they have learned to be bad or live in an environment that causes parental and child misbehaviors.
- **Exposure to violence.** The children of criminal parents are more likely to have experienced more violence and injury than the norm. Exposure to violence has been linked to negative outcomes.<sup>113</sup>
- **Substance abuse.** Children of drug-abusing parents are more likely to get involved in drug abuse and delinquency than children of nonabusers.<sup>114</sup> One possibility: parental substance abuse can produce children with neurological impairments related to delinquency.<sup>115</sup>
- **Parenting ability.** Parenting ability may influence the link between parental deviance and child delinquency. Antisocial parents are less likely to have close relationships with their offspring. They are more likely to use overly harsh and inconsistent discipline, a parenting style that has consistently been linked to the onset of delinquent behavior.<sup>116</sup> Parents involved in crime exhibit lower levels of effective parenting and greater association with factors that can impede their parenting abilities (e.g., substance abuse and mental illness). Their children are more likely to have experienced negative effects of ineffective parenting, such as abuse and out-of-home placement, factors highly associated with delinquency.<sup>117</sup>
- **Stigma.** The association between parental deviance and children's delinquency may be related to labeling and stigma. Social control agents may be quick to assign a delinquent label to children of known law violators, increasing the likelihood that they will pick up an "official" delinquent label.<sup>118</sup> The resulting stigma increases the chances they may fall into a delinquent career.



Delinquent behavior may run in families. Here, Jeremy Jarvis, 13 (left), and his brother Denver Jarvis, 15, appear in juvenile court in Ft. Lauderdale, Florida, at the Broward County Courthouse. The boys were charged with aggravated battery for participating in setting a 15-year-old boy on fire. Jeremy avoided incarceration, but Denver pleaded no contest in February 2012 to second-degree attempted murder and was sentenced to eight years in prison, a year of house arrest, and 21 years of probation. In 2013, his sentence was reduced to 10 years of probation. If deviance does run in families, do you think it's a product of the environment, socialization, or genetics?

## Child Abuse and Neglect

In one of New York City's most notorious child abuse cases, a 7-year-old Brooklyn girl named Nixzmary Brown was horribly tortured and abused before being killed by a severe blow to the head.<sup>119</sup> The suspects in the case: Nixzaliz Santiago, her mother, and Cesar Rodriguez, her stepfather. At the time of her death, Nixzmary weighed only 36 pounds. She had been tied to a chair and forced to use a litter box for a toilet. According to her mother, Rodriguez beat the girl regularly, pushed her head under the bathtub faucet after stripping her naked, beat her, and tied her to a stool. Then he listened to music in another room. Sometime later, the mother got up the nerve to go to her daughter and found that the little girl's body was cold. Law enforcement agents said that the abuse the 7-year-old experienced was among the worst they had ever witnessed. Autopsy reports revealed she had cuts and bruises all over her body, two black eyes, and a skull that was hit so hard her brain bled. Both Nixzmary's mother and stepfather earned long prison sentences for their crimes.

In the aftermath of this terrible crime, then New York Mayor Michael Bloomberg told the press, "How can anybody fathom what these parents did to this young, 7-year-old girl? It sort of defies description." Tragically, Nixzmary's situation was known to authorities for some time before her death. The city's Administration for Children's Services had received two complaints about the family. The first was unsubstantiated, and the second occurred when the young girl showed up at school with a black eye. Yet little was done to help or remove her from her brutal home. When asked why they did not get a court order, child welfare authorities blamed the parents for being uncooperative, ignoring repeated phone calls from caseworkers, and turning them away at the door. Still, the head of New York's welfare system couldn't explain why caseworkers didn't get a warrant to enter the house, nor did they attempt to take Nixzmary from home and place her in foster care. After her death, New York passed Nixzmary's Law, which increased the sentence for an adult convicted of torturing a child, changing the maximum sentence to life in prison.<sup>120</sup>

Nixzmary's horrible death is tragically not unique. Thousands of children are physically abused or neglected by their parents or other adults each year, and this treatment has serious consequences for their behavior over the life course. Because of this topic's importance, the remainder of this chapter addresses issues of child abuse and neglect and their relationship with delinquent behavior.

### LO8

Discuss the nature and extent of child abuse



Some famous celebrities have been associated with child abuse and neglect. Here, NFL player Adrian Peterson of the Minnesota Vikings chats with his attorney, Rusty Hardin, during a court appearance in Conroe, Texas. Peterson pleaded no contest to the misdemeanor charge of recklessly assaulting his 4-year-old son. He avoided a jail sentence and was put on probation and fined \$4,000. He was also ordered to perform 80 hours of community service.



Pool/Getty Images News/Getty Images

## Historical Foundation

Parental abuse and neglect are not modern phenomena. Maltreatment of children has occurred throughout history. People in the United States voiced concern for the negative effects of such maltreatment in the eighteenth century, but concerted efforts to deal with the problem did not begin until 1874.

That year, residents of a New York City apartment building reported to public health nurse Etta Wheeler that a child in one of the apartments was being abused by her stepmother. The nurse found a young child named Mary Ellen Wilson, who had been repeatedly beaten and malnourished from a bread and water diet. Even though the child was seriously ill, the police agreed that the law entitled the parents to raise Mary Ellen as they saw fit. The New York City Department of Charities claimed it had no custody rights over Mary Ellen.

According to legend, Mary Ellen's removal from her parents had to be arranged through the Society for the Prevention of Cruelty to Animals (SPCA) because she was a member of the animal kingdom. The truth, however, is less sensational: a judge heard Mary Ellen's case. Because the child needed protection, she was placed in an orphanage.<sup>121</sup> The SPCA was founded the following year.<sup>122</sup>

Little research into the problems of maltreated children occurred before C. Henry Kempe of the University of Colorado. In 1962, Kempe reported the results of a survey of medical and law-enforcement agencies indicating that the child abuse rate was much higher than had been thought. He coined the term **battered child syndrome**, which he applied to cases of nonaccidental injury of children by their parents or guardians.<sup>123</sup>

### battered child syndrome

Nonaccidental physical injury of children by their parents or guardians.

### child abuse

Any physical, emotional, or sexual trauma to a child, including neglecting to give proper care and attention, for which no reasonable explanation can be found.

## Defining Abuse and Neglect

Kempe's pioneering work has expanded into a more generic expression of child abuse, including neglect and physical abuse. Specifically, it describes any physical or emotional trauma to a child for which no reasonable explanation, such as an accident, can be found. **Child abuse** is generally seen as a pattern of behavior rather than a single act. The effects of a pattern of behavior are cumulative. The longer the abuse continues, the more severe the effect will be.<sup>124</sup>



Although the terms *child abuse* and *neglect* are sometimes used interchangeably, they represent different forms of maltreatment. **Neglect** refers to deprivations children suffer at the hands of their parents (lack of food, shelter, health care, love). Abuse is more overt aggression against the child, often requiring medical attention. The distinction between the terms is often unclear because, in many cases, both abuse and neglect occur simultaneously. What are the forms that abuse and neglect may take?

- *Physical abuse*, in its most extreme form, includes throwing, shooting, stabbing, burning, drowning, suffocating, biting, or deliberately disfiguring a child. This category includes shaken baby syndrome (SBS), a collection of signs and symptoms resulting from violently shaking an infant or child.<sup>125</sup> This type of physical abuse affects an estimated 1,200 and 1,600 children yearly, resulting in various disabilities ranging from learning problems to death.
- *Physical neglect* results from parents' failure to provide adequate food, shelter, or medical care for their children and to protect them from physical danger.
- *Emotional abuse* or neglect manifests as constant criticism and rejection of the child.<sup>126</sup> Those who suffer emotional abuse have significantly lower self-esteem as adults.<sup>127</sup>
- *Emotional neglect* includes inadequate nurturing, inattention to a child's emotional development, and lack of concern about maladaptive behavior.
- **Abandonment** refers to the situation in which parents leave their children to sever the parent-child relationship.<sup>128</sup>
- *Sexual abuse* is the exploitation of children through rape, incest, and molestation by parents, family members, friends, or legal guardians. Sexual abuse can vary from rewarding children for sexual behavior inappropriate for their development level to using force or the threat of force for the purposes of sex. It can involve children who are aware of the sexual content of their actions and others too young to know what their actions mean.

### **neglect**

Passive neglect by a parent or guardian, depriving children of food, shelter, health care, and love.

### **abandonment**

Parents physically leave their children with the intention of completely severing the parent-child relationship.

## **Causes of Child Abuse and Neglect**

Why do people abuse and hurt children? Maltreatment of children is a complex problem with neither a single cause nor a single solution. It cuts across racial, ethnic, religious, and socioeconomic lines. Abusive parents cannot be categorized by sex, age, or educational level.

Of all factors associated with child abuse, three are discussed most often: (1) parents who themselves suffered abuse tend to abuse their own children; (2) the presence of an unrelated adult increases the risk of abuse; and (3) isolated and alienated families tend to become abusive. A cyclical pattern of violence seems to be perpetuated from one generation to another. Evidence indicates that a large number of abused and neglected children grow into adulthood with a tendency to engage in violent behavior. Abusive parents' behavior can often be traced to negative experiences in their own childhood—physical abuse, emotional neglect, and incest. These parents cannot separate their childhood traumas from their relationships with their children. Abusive parents often have unrealistic perceptions of normal development. When their children are unable to act appropriately—when they cry or strike their parents—the parents may react in an abusive manner.<sup>129</sup>

Parents may also become abusive if isolated from friends, neighbors, or relatives. Many abusive parents describe themselves as alienated from their extended families, and they lack close relationships with persons who could provide help in stressful situations.<sup>130</sup> The relationship between alienation and abuse may be particularly acute in homes where there has been divorce or separation, or in which parents have never

### **LO9**

List the assumed causes of child abuse

actually married; abusive punishment in single-parent homes occurs twice as much as in two-parent families.<sup>131</sup> Parents unable to cope with stressful events—divorce, financial stress, recurring mental illness, drug addiction—are most at risk.<sup>132</sup>

**Substance Abuse and Child Abuse** Abusive families suffer from severe stress, and it is not surprising that they frequently harbor members who turn to drugs and alcohol.<sup>133</sup> Among confirmed cases of child maltreatment, 40% involve the use of alcohol or other drugs. Alcohol and other substances may act as disinhibitors; they lessen impulse control and allow parents to behave abusively. Children in this environment often demonstrate behavioral problems and are diagnosed as having conduct disorders. These disorders may result in provocative behavior. Increased stress resulting from a parent's preoccupation with drugs combined with behavioral problems exhibited by the child increases the likelihood of maltreatment. Frequently, these parents suffer from depression, anxiety, and low self-esteem. They live in an atmosphere of stress and family conflict. Children raised in such households are more likely to have alcohol and other drug problems.<sup>134</sup>

**Stepparents and Abuse** Research indicates that stepchildren share a greater risk for abuse than biological offspring.<sup>135</sup> Stepparents may have a less emotional attachment to the children of another. The biological parent often has to choose between the new mate and the child, sometimes even becoming an accomplice in the abuse.<sup>136</sup>

Stepchildren are overrepresented in cases of **familicide**, mass murders in which a spouse and one or more children are slain. It is also more common for fathers who kill their biological children to commit suicide than those who kill stepchildren, an indication that the latter act is motivated by hostility and not despair.<sup>137</sup>

**Social Class and Abuse** Surveys indicate a high rate of reported abuse and neglect among people in lower economic classes. Children from families with a household income at or below the poverty line experience more abuse than children living in more affluent homes. Child care workers indicate that most of their clients live in poverty or face increased financial stress because of unemployment and economic recession. These findings suggest that parental maltreatment of children is predominantly a lower-class problem. Is this conclusion valid?

One view is that low-income families, especially those headed by a single parent, are often subject to greater environmental stress and have fewer resources to deal with such stress than families with higher incomes.<sup>138</sup> A relationship seems to exist between the burdens of raising a child without adequate resources and the use of excessive force. Self-report surveys show that indigent parents are more likely than affluent parents to hold attitudes that condone the physical chastisement of children.<sup>139</sup>

Higher maltreatment rates in low-income families reflect lower-class parents' stress in having limited resources for raising their children. In contrast, middle-class parents devote a smaller percentage of their total resources to raising a family.<sup>140</sup> This burden becomes especially onerous in families with emotionally and physically handicapped children. Stressed-out parents may consider special-needs children a drain on finances with little potential for future success; research finds that children with disabilities are maltreated at a rate almost double that of other children.<sup>141</sup>

## The Effects of Abuse

No matter what form it takes, the effects of abuse can be devastating. Mental health and delinquency experts have found that abused kids experience psychological and social problems across their life span, ranging from substance abuse to maladjusted personality.<sup>142</sup> Children who have experienced some form of maltreatment suffer devalued sense of self, mistrust of others, a tendency to perceive hostility in others in situations where the intentions of others are ambiguous, and a tendency to generate antagonistic solutions to social conflicts. Victims of abuse are prone to suffer mental illness, such as dissociative identity disorder (DID) (sometimes known as

### Familicide

Mass murders in which a spouse and one or more children are slain.

multiple personality disorder [MPD]); research shows that child abuse is present in the histories of the vast majority of DID subjects.<sup>143</sup> Children who experience maltreatment are at increased risk for adverse health effects and behaviors across the life course, including smoking, alcoholism, drug abuse, eating disorders, severe obesity, depression, suicide, sexual promiscuity, and certain chronic diseases.<sup>144</sup> Maltreatment during infancy or early childhood can cause brain impairment, leading to physical, mental, and emotional problems such as sleep disturbances, panic disorder, and attention deficit hyperactivity disorder. Brain dysfunction is particularly common among victims of shaken baby syndrome. About 25 to 30% of infant victims with SBS die from their injuries; nonfatal consequences of SBS include varying degrees of visual impairment (e.g., blindness), motor impairment (e.g., cerebral palsy), and cognitive impairments.<sup>145</sup> The following Focus on Delinquency feature highlights the need for treatment personnel to be aware of the perils and co-morbidity of child abuse victimization.

Psychologists suggest that maltreatment encourages children to use aggression to solve problems and prevents them from feeling empathy for others. It diminishes their ability to cope with stress and makes them vulnerable to violence in the culture. Abused children have fewer positive interactions with peers, are less well-liked, and are more likely to have disturbed social interactions.<sup>146</sup> Not surprisingly, recent research has found that juvenile female prostitutes, more often than not, came from homes where physical and substance abuse was present.<sup>147</sup>

## The Extent of Child Abuse

Estimating the extent of child abuse is almost impossible. Many victims are so young that they have not learned to communicate. Some are too embarrassed or afraid to do so. Many incidents occur behind closed doors, and even when another adult witnesses inappropriate or criminal behavior, the adult may not want to get involved in a “family matter.” Indications of the severity of the problem came from a groundbreaking 1980 survey conducted by sociologists Richard Gelles and Murray Straus.<sup>148</sup> They estimated that between 1.4 and 1.9 million children in the United States were subject to physical abuse from their parents. This abuse was rarely a one-time act: the average number of assaults per year was 10.5, and the median was 4.5. Gelles and Straus also found that 16% of the couples in their sample reported spousal abuse; 50% of the multichild families reported attacks between siblings; 20% reported incidents in which children attacked parents.<sup>149</sup>

The Gelles and Straus survey was a milestone in identifying child abuse as a national phenomenon. Subsequent surveys conducted in 1985 and 1992 indicated that severe violence toward children had declined.<sup>150</sup> One reason was that parental approval of corporal punishment, which stood at 94% in 1968, decreased to 68% by 1994.<sup>151</sup> Recognition of the problem may have helped moderate cultural values and awakened parents to the dangers of physically disciplining children. Nonetheless, more than 1 million children were subjected to severe violence annually. If the definition of “severe abuse” used in the survey had included hitting with objects such as a stick or a belt, the number of child victims would have been closer to 7 million per year.

## Monitoring Abuse

Since the pioneering efforts by Gelles and Straus, the Department of Health and Human Services has been monitoring the extent of child maltreatment through its annual survey of child protective services (CPS).<sup>152</sup>

The most recent survey found that more than 600,000 children are abuse victims each year, slightly more than 8 per 1,000 children. Though these figures seem staggering, the number and rate of abuse have declined. Fifteen years ago, more than 1 million children were identified as victims of abuse or neglect nationwide, and the rate of victimization of children was approximately 15 per 1,000 children. While these results are encouraging, trends in reported child maltreatment may be more

### The Importance of a Trauma-Informed Child Welfare System

According to the Substance Abuse and Mental Health Services Administration (SAMHSA), individual trauma results from an event, series of events, or set of circumstances an individual experiences as physically or emotionally harmful or life-threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being. If trauma follows a single event that is limited in time (such as a car accident, shooting, or earthquake), it is called *acute trauma*.

When children face multiple traumatic events over time that are severe, pervasive, and interpersonal (such as repeated abuse and neglect), and they experience long-term consequences from these experiences, this is called *complex trauma*. Complex trauma may interfere with a child's ability to form secure attachments to caregivers and many other healthy physical and mental aspects.

*Historical trauma* affects populations that have experienced cumulative and collective trauma over multiple generations. Affected groups in the United States include Native Americans, African Americans, immigrant groups,

and families experiencing intergenerational poverty. Children in these families may exhibit signs and symptoms of trauma—such as depression, grief, guilt, and anxiety—even if they have not personally experienced traumatic events.

Traumatic experiences overwhelm children's natural ability to cope. They cause a "fight, flight, or freeze" response that affects children's bodies and brains. Chronic or repeated trauma may result in toxic stress that interferes with normal child development and causes long-term harm to children's physical, social, emotional, or spiritual well-being. These adverse effects can include changes in a child's emotional responses, impulse control, self-image, attachments to caregivers, relationships with others, and the ability to think, learn, and concentrate.

Across the lifespan, traumatic experiences have been linked to a wide range of problems, including addiction, depression, anxiety, and risk-taking behavior. These can lead to a greater likelihood of chronic ill health: obesity, diabetes, heart disease, cancer, and even early death.

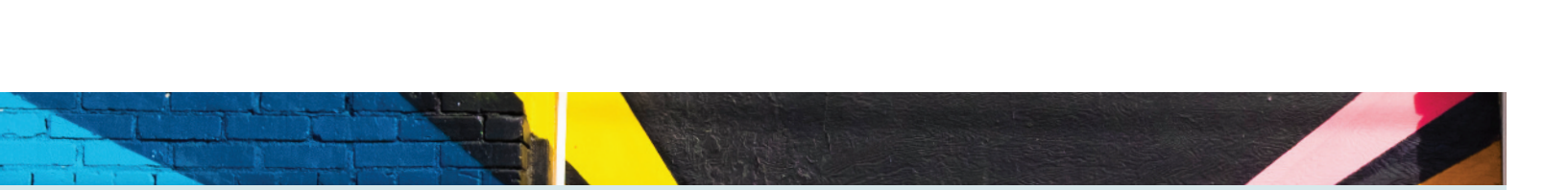
reflective of the effect budgetary cutbacks have on CPS's ability to monitor, record, and investigate reports of abuse than an actual decline in child abuse rates.

### The Nature of Abuse

What do the data tell us about the nature of abuse?

- **Age:** There is a direct association between age and abuse: victimization rates are higher for younger children than their older brothers and sisters. The youngest children are the most vulnerable to maltreatment: Children younger than 1 year old have the highest victimization rate at 25 per 1,000. About half of all victims are 5 and under; about two-thirds of all abuse victims are under 7 years old. In general, the rate and percentage of victimization decrease with age.
- **Gender:** The victimization rate for girls is about 9 per 1,000 girls in the population, which is higher than boys at 8 per 1,000 boys.
- **Race and Ethnicity:** There were also significant differences across ethnic and racial lines American-Indian or Alaska Native children have the highest rate of victimization at more than 15 per 1,000 children; African American children have the second highest rate at more than 13 per 1,000 children. European American, Hispanic, and Asian American children have lower abuse victimization rates.





Not all children will experience all of these effects. Children's responses to traumatic events are unique and affected by many factors, including their age at the time of the event, the frequency and perceived severity of the trauma, and the child's innate sensitivity, as well as protective factors such as the presence of positive relationships with healthy caregivers, physical health, and natural coping skills. Trauma of all kinds is extremely common among children involved with child welfare. Studies show that as many as 9 out of 10 children in foster care have encountered some form of violence. Entry into the child welfare system causes additional trauma due to separation from family, school, neighborhood, and community and fear and uncertainty about the future. In addition, children who enter the child welfare system are more likely than others to have experienced multiple traumatic events and exhibit more complex symptoms. Up to half of youth who are subjects of maltreatment reports had clinically significant emotional or behavioral problems.

Trauma-informed practice involves an ongoing awareness of how traumatic experiences may affect children, families, and the human services professionals tasked with helping them cope. Trauma-informed child welfare staff

recognize how clients may perceive practices and services. They are aware of how certain actions and physical spaces have the potential to retraumatize or trigger behaviors in the families they serve. They acknowledge the reality of secondary traumatic stress (STS) and incorporate efforts to address and mitigate its effect. Staff must learn to be grounded and effective in their interactions with families or clients and families. When child welfare professionals are mindful of a child's history of trauma, they are better positioned to connect that child to appropriate, trauma-informed, evidence-based services for support. With awareness and knowledge of how to address and treat children's trauma histories, the child welfare system can become a place of healing.

### Critical Thinking

Studies consistently show that children involved with child welfare are prescribed psychotropic medications at higher rates than the general population. Should such medications be routinely used to control the effects of trauma?

SOURCE: Children's Bureau, "Developing a Trauma-Informed Child Welfare System," May 2020, [https://www.childwelfare.gov/pubpdfs/trauma\\_informed.pdf](https://www.childwelfare.gov/pubpdfs/trauma_informed.pdf) (accessed Feb. 2022).

- **Type:** What were the most common types of maltreatment? Data shows that 76% of victims are neglected, 16% are physically abused, 9% are sexually abused, and 0.2% are sex trafficked.
- **Deaths from Abuse.** At last count, an estimated 1,750 children die from abuse and neglect in a single year, a rate of about 2.4 per 100,000 children. The youngest children are the most vulnerable to die from maltreatment: 46% of child fatalities occurred among children younger than 1 year old, a rate of 23 per 100,000 children. Racial and gender differences also occurred in the rate of abuse fatalities. Boys have a higher child fatality rate (3 per 100,000) than girls (2 per 100,000). African American children suffered fatalities at a rate three times greater than that of European American children and 3.6 times greater than the rate of Hispanic children.
- **Who abused and neglected children?** Almost half a million people are reported as perpetrators. The typical abuser was a white female between the ages of 18 and 44 years old who was the victim's parent.

**COVID and Abuse** One would assume that child abuse in all its forms would have skyrocketed during the height of the COVID pandemic. Children were home from school and parents from work. There was both tension and anxiety, a byproduct of unemployment, sequestering, and being cut off from ordinary activities. Despite high tensions and the increased opportunity for abuse, the most reliable child abuse

data indicated that total cases reported to child protective services declined. In 2020, a 5.8% decrease occurred in the number of victims compared to 2019. The number of reported cases began to decrease significantly at the start of the lockdown period in April and continued through September.

How can we explain this surprising decrease? One possibility is that despite the pandemic, trauma abuse became common. However, there are other possible explanations. The greatest decrease occurred in the 6–12 age range. This age group was the one most affected by school closings: school personnel would not be able to observe and report abuse that occurred among children not in school due to at-home learning. It is also possible that personnel shortages among Child Protective Service workers influenced the number of children who received a CPS investigation. In addition, approximately one-half of the states were forced to use a combination of in-person and *virtual methods* to conduct investigations or assessments. Many states continued in-person operations and provided workers with personal protective equipment for worker and family safety. Some added workers. In these states, the number of reported cases actually increased.

## Sexual Abuse

In 2019, one of the most notorious sexual abusers in the nation's history met justice. Federal prosecutors charged billionaire financier Jeffrey Epstein with sex trafficking of a minor and conspiracy to commit sex trafficking. Taken into custody, Epstein was denied bail and remained in a New York City jail, where a few days later, he committed suicide.<sup>153</sup>

Epstein was head of the financial firm J. Epstein and Co., where he made millions. He lived an affluent lifestyle, owned homes in the United States and abroad, and mingled with the elite, including Donald Trump, Bill Clinton, and Prince Andrew of England. Despite such trappings of success, Epstein had a long history of sexual misconduct, including soliciting underage prostitutes. In 2019, he was indicted on charges that “over the course of many years, Jeffrey Epstein... sexually exploited and abused dozens of minor girls at his homes in Manhattan, New York, and Palm Beach, Florida, among other locations.” To maintain and increase his supply of victims, Epstein also paid certain victims to recruit additional girls to be similarly abused. Some of the girls were as young as 14 years old. When investigators searched his New York townhouse, they seized photographs of nude underage girls. He was charged with one count of sex trafficking of a minor and one count of conspiracy to commit sex trafficking. Taken into custody, Epstein was denied bail and remained in a New York City jail until his suicide. Along with Epstein, his longtime companion, Ghislaine Maxwell, was indicted on sex trafficking of underage girls. She was convicted of helping him exploit girls as young as 14 by enticing them to travel and transporting them to engage in illegal sex acts.

The Epstein case and others like it are particularly serious because adolescent victims of sexual abuse are particularly at risk for stress and anxiety.<sup>154</sup> Kids who have undergone traumatic sexual experiences suffer psychological deficits later.<sup>155</sup> Many run away to escape their environment, which puts them at risk for juvenile arrest and involvement with the justice system.<sup>156</sup> Others suffer post-traumatic mental problems, including acute stress disorders, depression, eating disorders, nightmares, anxiety, suicidal ideation, and other psychological problems.<sup>157</sup> Stress, however, does not end in childhood. Psychologically, sexually, or physically abused children are more likely to suffer low self-esteem and be more suicidal as adults.<sup>158</sup> They are also at greater risk of being abused again as adults than those who escaped childhood victimization.<sup>159</sup> The reabused carry higher risks for psychological and physical problems, ranging from sexual promiscuity to increased HIV infection rates.<sup>160</sup> Childhood abuse may lead to despair, depression, and even homelessness as adults. One study of homeless women found that they were much more likely than other women to report childhood physical abuse, childhood sexual abuse, adult physical assault, previous sexual assault in adulthood, and a history of mental health problems.<sup>161</sup>

**Extent of Sexual Abuse** It is nearly impossible to gauge the true extent of child sexual abuse because many cases, especially those involving very young children, are never reported or known; many children wait to report or never report child sexual abuse. Although estimates vary, the data tends to show:

- About 1 in 4 girls and 1 in 13 boys experience child sexual abuse at some point in childhood.
- More than 90% of the abuse is perpetrated by someone the child or child's family knows.

Authorities verify about 60,000 cases each year. This total amounts to more than 9% of all verified abuse cases.

Although sexual abuse is still fairly prevalent, the number of reported cases has significantly declined since 2001, when an estimated 325,000 incidents of sexual abuse occurred in the United States.<sup>162</sup> These data may either mean that the actual number of cases is in decline or that social service professionals fail to recognize abuse cases because of overwork and understaffing.

## Abuse and Delinquency

A significant amount of research suggests that being the target of abuse is associated with subsequent episodes of delinquency and violence.<sup>163</sup> The more often a child is physically disciplined and the harsher the discipline, the more likely they will later engage in antisocial behaviors.<sup>164</sup> Neglected children have been shown to be at greater risk of being arrested for later juvenile drug and alcohol offenses than non-neglected children.<sup>165</sup> The effects of abuse appear to be long term: exposure to abuse in early life provides a foundation for violent and antisocial behavior in late adolescence and adulthood.<sup>166</sup> Abused kids are likely to grow up to be abusers themselves.<sup>167</sup> They are most likely to become victims of violent crimes.<sup>168</sup>

Clinical histories of known juvenile offenders support the abuse–delinquency link. These have confirmed that between 70 and 80% of juvenile offenders have abusive backgrounds, and many report serious injury, including bruises, lacerations, fractures, and being knocked unconscious by a parent or guardian.<sup>169</sup> The effects of abuse follow them throughout life. Children who experience child abuse and neglect are 59% more likely to be arrested as a juvenile, 28% more likely to be arrested as an adult, and 30% more likely to commit violent crimes. In addition, 14% of all men in prison in the United States were abused as children, and 36% of all women in prison were abused as children. As many as two-thirds of the people in treatment for drug abuse reported being abused or neglected as children.<sup>170</sup>

In sum, there is convincing evidence that a link exists between child maltreatment and subsequent crime and delinquency. In addition, the findings indicate that children who experience violence in childhood are at an increased risk of becoming perpetrators of violence later in life. These children are also at an increased risk for mental health problems, suicide attempts, greater alcohol problems in women, lower employment rates, and decreased cognitive and intellectual functioning levels.<sup>171</sup>

**Remaining Issues.** Yet, despite this evidence, we have many questions to answer. Even though an association has been found, it does not necessarily mean that most abused children become delinquent. Many do not, and many delinquent youths come from what appear to be model homes. And although many studies have found an abuse–delinquency link, others find the association is either insignificant or inconsistent (e.g., applying to girls and not to boys).<sup>172</sup> Most abused and non-abused kids do not engage in antisocial behavior.<sup>173</sup>

Beyond the difficulty of showing a clear-cut link between abuse and delinquency, it is also difficult to assess the temporal order of the linkage: Does early abuse lead to later delinquency? Or conversely, are antisocial kids subject to overly harsh parental discipline and abuse? It is also possible that a third explanation exists: some internal and/or external factors, such as environmental deprivation or abnormal personality traits, is related to both abuse and delinquency. That is, kids in lower-class areas, or

who manifest being callous and unemotional, are the most likely to be abused and also more likely to become delinquent.<sup>174</sup> Environmental deprivation and personality abnormality may cause both abuse and delinquency.<sup>175</sup>

Research also shows that the timing and extent of the abuse may shape its impact. Children who are maltreated solely during early childhood may be less likely to engage in chronic delinquency than those whose abuse lasts and persists into later adolescence.<sup>176</sup> Persistent maltreatment also gives the victims little opportunity to cope or deal with their ongoing victimization.<sup>177</sup> In sum, while the evidence shows a clear link between abuse and subsequent delinquent behavior, the true nature of the association has yet to be determined.

#### L10

Give examples of the child protection system and the stages in the child protection process

#### *Troxel v. Granville*

The Supreme Court ruled that the due process clause of the Constitution protects against government interference with certain fundamental rights and liberty interests, including parents' fundamental right to make decisions concerning the care, custody, and control of their children.

#### *Santosky v. Kramer*

The U.S. Supreme Court recognized the child's right to be free from parental abuse and set down guidelines for a termination-of-custody hearing, including the right to legal representation.

## The Child Protection System: Philosophy and Practice

For most of our nation's history, courts have assumed that parents have the right to bring up their children as they see fit. In the 2000 case *Troxel v. Granville*, the Supreme Court ruled that the due process clause of the Constitution protects against government interference with certain fundamental rights and liberty interests, including parents' fundamental right to make decisions concerning the care, custody, and control of their children.<sup>178</sup> If the care a child receives falls below reasonable standards, the state may take action to remove a child from home and place them in a less threatening environment. In these extreme circumstances, the rights of both parents and children are constitutionally protected. In the cases of *Lassiter v. Department of Social Services* and *Santosky v. Kramer*, the Supreme Court recognized the child's right to be free from parental abuse and set down guidelines for a termination-of-custody hearing, including the right to legal representation.<sup>179</sup> States provide a guardian *ad litem* (a lawyer appointed by the court to look after the interests of those who do not have the capacity to assert their own rights). States also ensure confidentiality of reporting.<sup>180</sup>

Although child protection agencies have been dealing with abuse and neglect since the late nineteenth century, recent awareness of the problem has prompted judicial authorities to take increasingly bold steps to ensure the safety of children.<sup>181</sup> The assumption that the parent-child relationship is inviolate has been challenged. In 1974, Congress passed the Child Abuse Prevention and Treatment Act (CAPTA), which provides funds to states to bolster their services for maltreated children and their parents.<sup>182</sup> The act provides federal funding to states for prevention, investigation, and treatment. It also provides grants to public agencies and nonprofit organizations for demonstration programs.

CAPTA has been the impetus for the states to improve the legal frameworks of their child protection systems. Abusive parents are subject to prosecution under statutes against assault, battery, and homicide.

## Investigating and Reporting Abuse

Maltreatment of children can easily be hidden from public view because the victims may be too young for school or because their parents do not take them to a doctor or a hospital. Parents abuse their children in private and, even when confronted, often accuse their children of lying or blame the children's medical problems on accidents.

To help protect children, CAPTA requires each State to have provisions or procedures requiring certain individuals to report known or suspected instances of child abuse and neglect. Today all States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands, identify in statute the professionals and other persons who are required to report suspected child maltreatment. These statutes also address reporting by other persons, the responsibilities of institutions in making reports, standards for making a report,



and confidentiality of the reporter's identity.<sup>183</sup> Individuals designated as mandatory reporters typically have frequent contact with children. They include:

- Social workers
- Teachers, principals, and other school personnel
- Physicians, nurses, and other health care workers
- Counselors, therapists, and other mental health professionals
- Child care providers
- Medical examiners or coroners
- Law enforcement officers

In some but not all states, the following professionals who are mandated to report suspected or known maltreatment

- Commercial film or photograph processors (12 States, Guam, and Puerto Rico)
- Computer technicians (in 6 States)
- Substance abuse counselors (14 States)
- Probation or parole officers (17 States)
- Directors, employees, and volunteers at entities that provide organized activities for children, such as camps, day camps, youth centers, and recreation centers (13 States)

Once reported to a child protection agency, an intake worker screens the case and turns it over to an investigative caseworker. In some jurisdictions, if CPS substantiates a report, the case will likely be referred to a law enforcement agency responsible for investigating the case and collecting evidence for court proceedings. If the caseworker determines that the child is in imminent danger of severe harm, the caseworker may immediately remove the child from the home. A court hearing must be held shortly after to approve custody. Stories abound of children erroneously taken from their homes, but it is much more likely that these "gatekeepers" will consider cases unfounded and take no action. Among the most common reasons for screening out cases is that the reporting party is involved in a child custody case, despite the research showing that the risk of abuse increases significantly in the aftermath of divorce.<sup>184</sup>

Even when there is compelling evidence of abuse, most social service agencies will try to involve the family in voluntary treatment. Child welfare agencies offer post-investigation services to families on a voluntary basis to ensure children's safety. These services address the child's safety and are usually based on assessing the family's strengths, weaknesses, and needs. Post-investigation services include individual counseling, case management, family-based services (services provided to the entire family, such as counseling or family support), in-home, foster care, and court services. Each year more than 60% of victims receive post-investigation services.

Case managers do periodic follow-ups to determine if families are following treatment plans. If parents are uncooperative, or if the danger to the child is so great that they must be removed from the home, the case managers will file a complaint in the criminal, family, or juvenile court system. To protect the child, the court could then issue temporary orders for placing the child in shelter care during the investigation, providing services, or prohibiting suspected abusers from having contact with the child.

## The Process of State Intervention

Although procedures vary from state to state, most follow a similar legal process once a social service agency files a court petition alleging abuse or neglect.<sup>185</sup> Figure 8.2 diagrams this process.

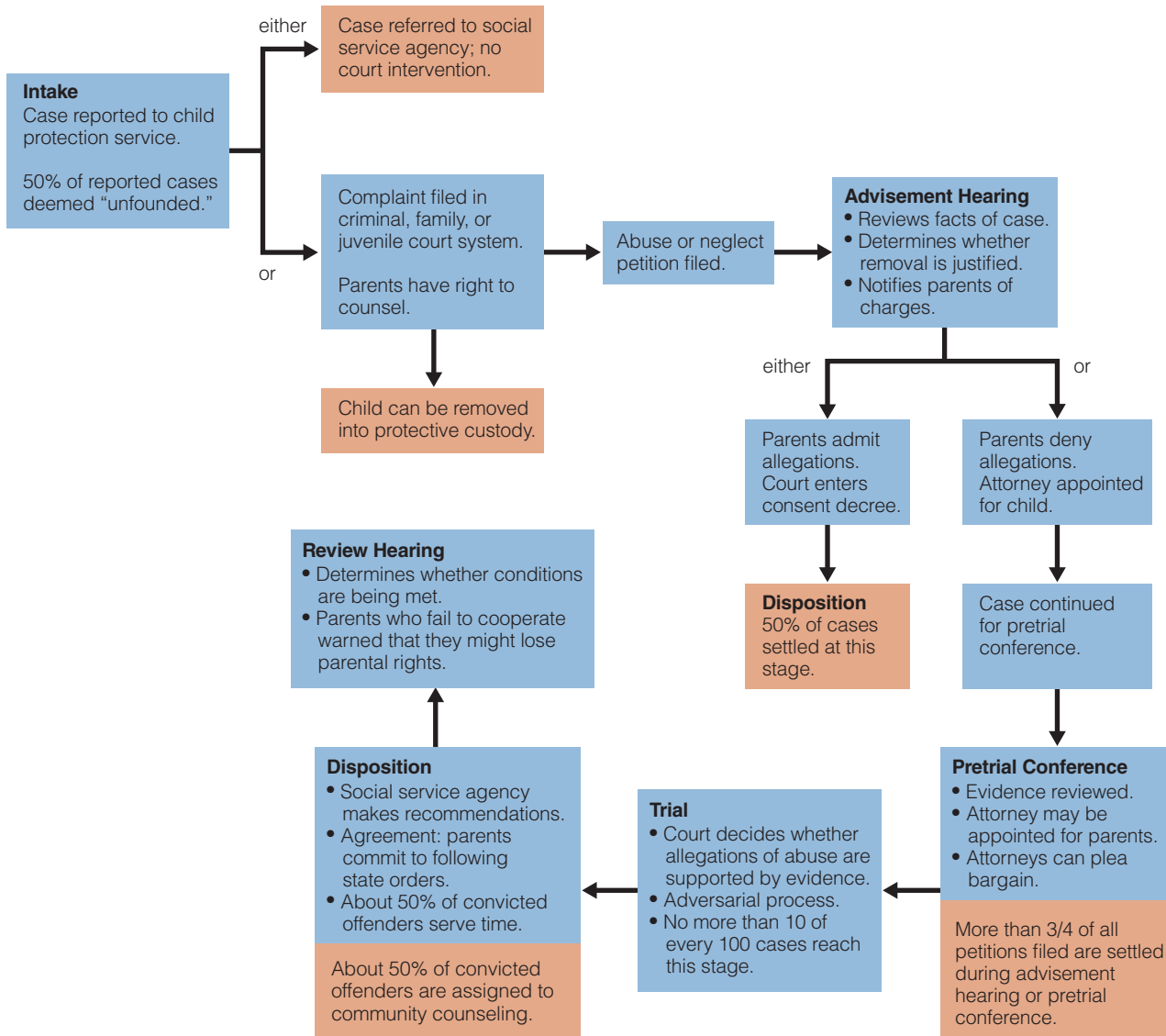


Figure 8.2

## The Process of State Intervention in Cases of Abuse and Neglect

### advisement hearing

A preliminary protective or temporary custody hearing in which the court will review the facts, determine whether removal of the child is justified, and notify parents of the charges against them.

### pretrial conference

The attorney for the social services agency presents an overview of the case, and a plea bargain or negotiated settlement can be agreed to in a consent decree.

If the allegation of abuse is confirmed, the child may be placed in protective custody or temporary foster care. Most state statutes require that the court be notified “promptly” or “immediately” if the child is removed; some states have gone as far as requiring that no more than 12 hours elapse before taking official action. If the child has not been removed from the home, state authorities have more time to notify the court of suspected abuse. Some set a limit of 30 days to take action, whereas others mandate that state action take no more than 20 days once the case has been investigated.

When an abuse or neglect petition is prosecuted, an **advisement hearing** (a preliminary protective hearing or emergency custody hearing) is held. The court will review the facts of the case, determine whether the permanent removal of the child is justified, and notify the parents of existing charges. Parents have the right to counsel in all cases of abuse and neglect, and many states require the court to appoint an attorney for the child as well. If the parents admit the allegations, the court enters a consent decree, and the case is continued for disposition. Approximately half of all cases are settled by admission at the advisement hearing. If the parents deny the petition, the court appoints the child an attorney and continues the case for a **pretrial conference**.

At the pretrial conference, the attorney for the social service agency presents an overview of the case and the evidence. Such matters as the admissibility of photos

and written reports are settled. At this point, the attorneys can negotiate a settlement of the case, in which the parents accept a treatment plan detailing:

- The types of services that the child and the child's family will receive, such as parenting classes, mental health or substance abuse treatment, and family counseling
- Reunification goals, including visitation schedules and a target date for the child's return home
- Concurrent plans for alternative permanent placement options should reunification goals not be met

About 85 out of every 100 petitions filed are settled at either the advisement hearing or the pretrial conference. Of the 15 remaining cases, five are generally settled before trial. Usually, no more than 10 cases out of every 100 reach the trial stage. This trial is an adversarial hearing designed to prove the state's allegations.

## Disposition and Review

The **disposition hearing** is the most crucial part of an abuse or neglect proceeding. The social service agency presents its case plan. The plan includes recommendations such as conditions for returning the child to the parents or a visitation plan if the child is to be taken permanently from the parents.

Suppose a child has been abused or neglected. In that case, the action depends on state policy, the severity of the maltreatment, an assessment of the child's immediate safety, the risk of continued or future maltreatment, the services available to address the family's needs, and whether the child was removed from the home and a court action to protect the child was initiated. The following options are available:

- **No or low risk.** The family's case may be closed with no services if the maltreatment was a one-time incident, the child is considered to be safe, there is no or low risk of future incidents, and any services the family needs will not be provided through the child welfare agency but through other community-based resources and service systems.
- **Low to moderate risk.** Referrals may be made to community-based or voluntary in-home child welfare services if the CPS worker believes the family would benefit from these services and the child's present and future safety would be enhanced. This may happen even when no abuse or neglect is found if the family needs and is willing to participate in services.
- **Moderate to high risk.** The family is offered voluntary in-home services to address safety concerns and help reduce the risks. If these are refused, the agency may seek intervention from the juvenile dependency court. Once there is a judicial determination that abuse or neglect occurred, the juvenile dependency court may require the family to cooperate with in-home services if the child is believed to remain safely at home. In contrast, the family addresses the issues contributing to the risk of future maltreatment. If the child has been seriously harmed, is considered at high risk of serious harm, or the child's safety is threatened, the court may order the child's removal from the home or affirm the agency's prior removal of the child. The child may be placed with a relative or in foster care.

In making their decisions, courts are guided by three interests: the parents' role, the child's protection, and the state's responsibility. Frequently, these interests conflict. In fact, at times, even the interests of the two parents are not in harmony. The state attempts to balance the parents' natural right to control their child's upbringing with the child's right to grow into adulthood free from harm. This goal is called the **balancing-of-the-interests approach**.

### disposition hearing

A court hearing during which the social service agency presents its case plan and recommendations for care of the child and treatment of the parents, including incarceration and counseling or other treatment.

### balancing-of-the-interests approach

Efforts of the courts to balance the parents' natural right to raise a child with the child's right to grow into adulthood free from physical abuse or emotional harm.

### review hearings

Periodic meetings to determine whether the conditions of the case plan for an abused child are being met by the parents or guardians of the child.

Periodically, **review hearings** are held to determine if parents are meeting the conditions of the case plan. Parents who fail to cooperate are warned that they may lose their parental rights. Most abuse and neglect cases conclude within a year. Either the parents lose their rights and the child receives permanent foster care or another type of placement, or the child is returned to the parents and the court's jurisdiction ends.

## Criminal Charges

In many states, certain types of abuse, such as sexual and serious physical abuse, are routinely referred to law enforcement authorities, who file criminal complaints in a district or county court. If charges are filed, parents will be tried on charges ranging from child endangerment to felony assault or even homicide. Typically, during the trial, the social service agency presents its case plan and recommendations for care of the child and treatment of the parents, including incarceration and counseling or other treatment.

About half of all convicted parents will be required to serve time in incarceration; about half will be assigned to a form of treatment. At that point, some children may be placed in temporary care; in other cases, parental rights are terminated, and the child is placed in the custody of the child protective service. Legal custody can then be assigned to a relative or some other person.

Even if criminal charges are not filed, the perpetrator's name may be placed on a state child maltreatment registry if abuse or neglect is confirmed. A registry is a central database that collects information about maltreated children and individuals who are found to have abused or neglected those children. These registries are usually confidential and used for internal child protective purposes only. However, they may be used in background checks for certain professions that involve working to protect children from contact with individuals who are abusers.<sup>186</sup>

## Foster Care

Every year, hundreds of thousands of children are removed from their homes due to parental absence, deviance, conflict, or incompetence. Federal law requires the court to hold a permanency hearing, which determines the permanent plan for the child, within 12 months after the child enters **foster care** and every 12 months after that.

Foster care quality has been a problem. Many of these kids have already experienced multiple threats to their healthy development and safety. And to make matters worse, these vulnerable children enter a fragmented foster care system that lacks the necessary resources, technical proficiency, and interagency coordination to provide families with needed services and supports. Various aspects of the current foster care population are noteworthy:

- African American children make up the largest proportion of children in care.
- Over one-quarter of all children in care are under age 5.
- Most children are placed in nonrelative foster homes, but substantial numbers are also placed with relatives or in group homes or institutions.
- Most of those children exiting care are reunited with their birth parents or primary caretakers or are adopted.
- A child is more likely to enter care due to neglect than physical, sexual, and psychological abuse combined.<sup>187</sup>

Living within the foster care system can be a trying and emotionally traumatic experience for children. Estimates suggest that between 30 and 80% of children in foster care exhibit emotional and/or behavioral problems. Many are traumatized by their experiences before entering foster care, while others are troubled by the foster care experience itself. Many children exhibit signs of depression, aggression,

### foster care

Placing a child in the temporary care of a family other than its own as a result of state intervention into problems within the birth family; can be used as a temporary shelter while a permanent adoption effort is being completed.





Sometimes foster care can lead to adoption. Here, Judge Daniel Swords of Hampden Juvenile Court in Springfield, Massachusetts, holds Alexandra Rubio after adoption proceedings in his courtroom. The family waited almost two years for the adoption to go through. Angel and Sandra Rubio laugh as Alexandra gives her dad a high-five. “It’s great to have a day like this. I wish we had more,” says Judge Swords.

or withdrawal within three months of placement. Children in foster care are often forced to change schools, placing them at risk educationally. Unsurprisingly, many youths leaving foster care end up in jail or on public assistance.<sup>188</sup>

Are kids better off being taken from a conflict-ridden or otherwise troubled home care situation and placed in foster care? A recent study using the advanced analytic tools of applied economics shows that children faced with two options—being allowed to stay at home or being placed into foster care—generally have better life outcomes when they remain with their families. Economist Joseph Doyle used a randomized design and found that children on the margin of foster care placement have better employment, delinquency, and teen motherhood outcomes when they remain at home.<sup>189</sup> Doyle’s research suggests that keeping families intact will produce better results. Therefore, we should spend a greater portion of the social welfare budget on family preservation.

## The Child Protection System

The child protection system should be a last resort, and early prevention is the key to solving the abuse problem. There have been several successful efforts to prevent child maltreatment.<sup>190</sup> The first step is to identify kids at risk for abuse to target interventions as early as possible. Researchers have identified five factors consistently correlated with maltreatment—child age, race, poverty, parental drug involvement, and single parenting. These factors interact in complex ways, but children who are characterized by all five are at higher risk than children who have only one. Once identified, several strategies have been tried:

- **Communitywide interventions.** Some programs focus on communitywide solutions to abuse. For example, the Triple P—Positive Parenting Program has proven successful. This program consists of several levels of intervention: a media-based campaign targeting the entire community, intensive treatments for progressively smaller groups of families at progressively greater risk for maltreatment, and individual family treatment.
- **Home visiting programs.** In these family-based interventions, trained professionals visit parents in their homes and administer a standard program that can range in intensity from one visit to multiple visits over months or even years. Some home visiting programs have shown positive effects in areas of family life related to child abuse risk.

- **Helping families with drug or alcohol abuse.** Some programs require drug-addicted parents with reports of maltreatment to enroll in drug treatment within a few months and allow them up to 18 months to show progress in all problem areas, including addiction. Children are removed and placed with relatives or an adoptive home if there is no measurable progress on every front.
- **Sexual abuse education.** Schools, religious groups, and youth organizations are now operating programs that teach children what to do in situations of potential abuse, how to stop potential offenders, and how to find help. Such programs also teach children not to blame themselves if they are victimized, a prevention strategy designed to address emotional problems often triggered by abuse. There is reason to believe that these programs produce benefits such as increased disclosure and less self-blame following abuse.

## The Abused Child in Court

One of the most significant problems associated with abuse cases is the trauma a child must go through in a court hearing. Children get confused and frightened and may change their testimony. Much controversy has arisen over the accuracy of children's reports of physical and sexual abuse, resulting in hung juries. Prosecutors and experts have been accused of misleading children or eliciting incriminating testimony. The best-known case is likely the *McMartin Day Care* case in California. Children described not only being sexually abused but also being forced to participate in bizarre satanic rituals during which the *McMartins* mutilated animals and forced the children to touch corpses in hidden underground passageways. Prosecutors decided not to press forward after two trials ended in deadlock. When interviewed after the verdict, some jurors said that although they believed that children had been abused, the interviewing techniques used by prosecutors were so suggestive that they could not discern what really happened.<sup>191</sup>

State jurisdictions have instituted procedures to minimize the trauma to the child. Most have enacted legislation allowing videotaped statements or interviews with child witnesses taken at a preliminary hearing or a formal deposition to be admissible in court. Videotaped testimony spares child witnesses the trauma of testifying in open court. States that allow videotaped testimony usually put some restrictions on its use. Some prohibit the government from calling the child to testify at trial if the videotape is used. Other states require a finding that the child is "medically unavailable" because of the trauma of the case before allowing videotaping to be used. Some require that the defendant be present during the videotaping, and a few specify that the child be arranged not to see or hear the defendant.

Most states now allow a child's testimony to be given on closed-circuit television (CCTV). The child can view the judge and attorneys, and the courtroom participants can observe the child. The standards for CCTV testimony vary widely. Some states assume that any child witness under age 12 would benefit from not having to appear in court. Others require an independent examination by a mental health professional to determine whether there is a "compelling need" for CCTV testimony.

In addition to innovative methods of testimony, children in sexual abuse cases have been allowed to use anatomically correct dolls to demonstrate happenings that they cannot describe verbally. The Victims of Child Abuse Act of 1990 allows children to use these dolls when testifying in federal courts; 10 states have passed similar legislation.<sup>192</sup> Similarly, states have relaxed their laws of evidence to allow out-of-court statements by the child to a social worker, teacher, or police officer to be used as evidence (such statements would otherwise be considered **hearsay**). Typically, corroboration is required to support these statements if the child does not also testify.

### hearsay

Out-of-court statements made by one person and recounted in court by another; such statements are generally not allowed as evidence except in child abuse cases in which a child's statements to social workers, teachers, or police may be admissible.

The prevalence of sexual abuse cases has created new problems for the justice system. Often accusations are made in conjunction with marital disputes. The fear is growing that children may become pawns in custody battles; the mere suggestion of sexual abuse is enough to affect the outcome of a divorce action. The justice system must develop techniques to get at the truth without creating a lifelong scar on the child's psyche.

**Legal Issues** Several cases have been brought before the Supreme Court testing the right of children to present evidence at trial using nontraditional methods. Two issues stand out. One is the ability of physicians and mental health professionals to testify about statements made to them by children, especially when the children are incapable of testifying. The second concerns the way children testify in court.

In *White v. Illinois*, the Supreme Court ruled that the state's attorney is not required to produce young victims at trial or demonstrate why they were unavailable to serve as witnesses.<sup>193</sup> *White* involved statements given by the child to the child's babysitter and mother, a doctor, a nurse, and a police officer concerning the alleged assailant in a sexual assault case. The prosecutor twice tried to call the child to testify, but the 4-year-old experienced emotional difficulty and could not appear in court. The outcome hinged solely on the testimony of the five witnesses.

By allowing others to testify about what the child said, *White* removed the requirement that prosecutors produce child victims in court. This approach facilitates the prosecution of child abusers in cases where a court appearance by a victim would prove too disturbing or where the victim is too young to understand the court process.<sup>194</sup> The Court noted that statements made to doctors during medical examinations or when a victim is upset carry more weight than those made after careful reflection. The Court ruled that such statements can be repeated during trial because the circumstances in which they were made could not be duplicated simply by having the child testify to them in court.

**In-Court Statements.** Children who are victims of sexual or physical abuse often make poor witnesses. Yet their testimony may be crucial. In a 1988 case, *Coy v. Iowa*, the Supreme Court limited efforts to protect child witnesses in court. During a sexual assault case, a one-way glass screen was set up so that the child victims would not be able to view the defendant (the defendant, however, could view the witnesses).<sup>195</sup> The Iowa statute that allowed the protective screen assumed that children would be traumatized by their courtroom experience. The Court ruled that unless there is a finding that the child witness needs special protection, the Sixth Amendment of the Constitution grants defendants face-to-face confrontation with their accusers. In her dissenting opinion, Justice Sandra Day O'Connor suggested that if courts found it necessary, allowing children to testify via CCTV or videotape would be appropriate.

Justice O'Connor's views became law in *Maryland v. Craig*.<sup>196</sup> In this case, a day-care operator was convicted of sexually abusing a 6-year-old child; one-way CCTV testimony was used during the trial. The decision was overturned when the Maryland Court of Appeals found that the procedures used were insufficient to show that the child could only testify in this manner because a trial appearance would be too traumatic. On appeal, the Court ruled that the Maryland statute that allows CCTV testimony is sufficient because it requires a determination that the child will suffer distress if forced to testify. The Court noted that CCTV could serve as the equivalent of in-court testimony and would not interfere with the defendant's right to confront witnesses.

### *White v. Illinois*

The Supreme Court ruled that the state's attorney is not required to produce young victims at trial or to demonstrate the reason why they were unavailable to serve as witnesses.

### *Maryland v. Craig*

A state statute that allows closed-circuit television (CCTV) testimony in child abuse cases is legal because it requires a determination that the child will suffer distress if forced to testify in court. CCTV can serve as the equivalent of in-court testimony and does not interfere with the defendant's right to confront witnesses.

## The Family and Delinquency Control Policy

Since the family is believed to play such an important role in the production of youth crime, it follows that improving family functioning can help prevent delinquency. Counselors commonly work with the families of antisocial youths as part

of a court-ordered treatment strategy. Family counseling and therapy are almost mandatory when the child's acting-out behavior is suspected to result from family-related problems such as child abuse or neglect.<sup>197</sup> Some jurisdictions have integrated family counseling services into the juvenile court.<sup>198</sup>

## Improving Parenting Skills

One approach to involving the family in delinquency prevention is to attack the problem before it occurs. Early childhood prevention programs that target at-risk youths can relieve some of the symptoms associated with delinquency.<sup>199</sup> Frequent home visits by trained nurses and social service personnel help reduce child abuse and other infant injuries.<sup>200</sup> Evidence suggests that early intervention may be the most effective method and that the later the intervention, the more difficult the change process.<sup>201</sup>

One approach that begins early in a child's life involves efforts to improve parenting skills. Although the main focus of parent training programs is on the parents, many of these programs also involve children to improve the parent-child bond.

Two reviews capture the broad-scale effectiveness of family-based prevention programs. The first one involved a meta-analysis of the effects of early prevention programs that included parents and children up to age 5.<sup>202</sup> Eleven high-quality studies were included that covered a variety of program modalities, including home visitation, family support services, and parental education (improvement of core parenting skills). Results showed significant effects across several important domain outcomes, including educational success, delinquency, cognitive development, involvement in the justice system, and family well-being. Program duration and intensity were associated with larger effects but not multi-component programs. This latter finding contradicts much past research, including the latest results on the effectiveness of the Fast Track multicomponent, multisite prevention program (see Chapter 6).<sup>203</sup>

The second study involved an updated systematic review and meta-analysis of the effects of early family/parent training programs for children up to age 5 years on antisocial behavior and delinquency.<sup>204</sup> It included 78 randomized controlled experiments and investigated the full range of these programs, including home visits, parent education plus daycare, and parent training. Results indicated that early family/parent training is a highly effective intervention for reducing antisocial behavior and delinquency. These programs also produce many other important benefits for families, including improved school readiness and school performance on the part of children and greater employment and educational opportunities for parents. Significant differences were not detected across program type, such as traditional parent training versus home visiting.

**Oregon Social Learning Center** The most widely cited parenting skills program is one the Oregon Social Learning Center (OSLC) created.<sup>205</sup> The Center was created by psychologists Gerald Patterson and John Reid more than 40 years ago.<sup>206</sup> Patterson's research convinced him that poor parenting skills were associated with antisocial behavior at home and school. Family disruption and coercive exchanges between parents and children led to increased family tension, poor academic performance, and negative peer relations. The primary cause of the problem seemed to be that parents did not know how to deal effectively with their children. Parents sometimes ignored their children's behavior, but at other times the same actions would trigger explosive rage. Some parents would discipline their children for reasons that had little to do with the children's behavior, instead reflecting their own frustrations.

The children reacted in a regular progression, from learning to be noncompliant to learning to be assaultive. Their "coercive behavior," which included whining, yelling, and temper tantrums, would sometimes be acquired by other family members.



Eventually, family conflict would flow out of the home and into the school and social environment.

The OSLC programs typically use behavior modification techniques to help parents acquire proper disciplinary methods. Parents are asked to select several behaviors for change and to count the frequency of their occurrence. OSLC personnel teach social skills to reinforce positive behaviors and constructive disciplinary methods to discourage negative ones. Incentive programs are initiated in which a child can earn points for desirable behaviors. Children can exchange points for allowance, prizes, or privileges. Parents learn disciplinary techniques that stress firmness and consistency rather than “nattering” (low-intensity behaviors, such as scowling or scolding) or explosive discipline, such as hitting or screaming. One important technique is the “time out,” in which the child is removed for brief isolation in a quiet room. Parents are taught the importance of setting rules and sticking to them. Several evaluation studies carried out by Patterson and his colleagues showed that improving parenting skills can reduce juvenile delinquency.<sup>207</sup> Today, OSLC is a multidisciplinary research center that includes research scientists, doctoral-level research associates, and numerous scientific and administrative support staff. Over the past 40 years, the group has published over 700 articles and books on developing, preventing, and treating child aggression, antisocial behavior, and delinquency.

Many programs have been modeled on this parent training method. The Positive Parenting Program, or Triple P, is one example.<sup>208</sup> Triple P emphasizes the importance of developing parents’ resilience and capacity for self-regulation as part of a program that helps them acquire skills to become self-sufficient and self-confident in their parenting.<sup>209</sup> A meta-analysis of Triple P involving 11 studies found that it effectively reduced children’s antisocial behavior.<sup>210</sup>

The parent training method used by the OSLC may be the most cost-effective method of early intervention. A RAND study found that parent training costs about one-twentieth what a home visit program costs and is more effective in preventing serious crimes. The study estimates that 501 serious crimes could be prevented for every million dollars spent on parent training (or \$2,000 per crime), a far cheaper solution than long-term incarceration, which would cost more than \$16,000 to prevent a single crime.<sup>211</sup>

## Mentoring Approaches

Many approaches to delinquency prevention are based on improving family relations—or, if that is not possible, offering an alternative. For example, mentoring programs involve nonprofessional volunteers who spend time with young people who have been targeted as having the potential for dropping out of school, school failure, and other social problems. They mentor in a supportive, nonjudgmental manner while also acting as role models. One of the most successful is the Quantum Opportunities Program (QOP), designed around the provision of three “quantum opportunities”:

- Educational activities (peer tutoring, computer-based instruction, homework assistance)
- Service activities (volunteering with community projects)
- Development activities (curricula focused on life and family skills and college and career planning)

Incentives in the form of cash and college scholarships have been offered to students for work carried out in these three areas. These incentives serve to provide short-run motivation for school completion and future academic and social achievement. In addition, staff receive cash incentives and bonuses for keeping youths involved in the program.<sup>212</sup> The following Treating Delinquency feature looks at a highly successful family-oriented treatment program.

# Treating Delinquency

## Homebuilders

Homebuilders is an in-home, intensive family preservation service (IFPS) and reunification program for families with children (newborn to 17 years old) returning from or at risk of placement into foster care, group or residential treatment, psychiatric hospitals, or juvenile justice facilities. The Homebuilders model improves parental skills, parental capabilities, family interactions, children's behavior, and family safety. The goals are to prevent the unnecessary out-of-home placement of children through intensive, onsite intervention and to teach families new problem-solving skills to improve family functioning.

Homebuilder therapists work with youths and families involved in the child welfare, juvenile justice, and mental health systems. For high-risk families involved with the child protective services system, the program's goal is to remove the risk of harm to the child instead of removing the child. Therapists work with families to teach them new behaviors and help them make better choices for their children while ensuring child safety. In addition, Homebuilders works with youths and their families to address issues that lead to delinquency while allowing youths to remain in the community. Program staff ensure that kids attend classes regularly, adhere to curfews, comply with the courts, and learn anger management and conflict-resolution skills to avoid getting into more trouble. Youths are helped to avoid the trauma and stigma of psychiatric hospitalization or residential treatment for mental health-related issues by providing crisis intervention and skill building, involving the families in the youths' treatment, and broadening the continuum of care.

The program provides Intensive Family Preservation Service and Intensive Family Reunification Service for families with children from birth to 17 years old who meet the eligibility criteria described below.

### Child Welfare

Program therapists work with high-risk families involved with the child protective services system. The program's goal is to

remove the risk of harm to the child instead of removing the child. The program allows families to learn new behaviors and helps them make better choices for their children. Child safety is ensured through small caseloads, program intensity, and 24-hour-a-day service availability.

### Juvenile Justice

The program also works with youth and their families to correct problems contributing to delinquency while allowing the youths to remain in the community. Staff help clients find the right school setting, attend classes regularly, adhere to curfews, comply with the court, participate in constructive activities with peers, and learn to manage anger and conflict without getting into trouble. Therapists also help parents deal with the stress of raising a difficult adolescent.

### Mental Health

Like child welfare, children's mental health has been criticized for an over-reliance on out-of-home placement and the failure to provide community-based crisis intervention services that work for the whole family. Crisis intervention and skill building are provided while involving the family in the child's treatment. This approach broadens the continuum of care so that children can avoid the trauma and stigma of psychiatric hospitalization or residential treatment.

The primary intervention components of the Homebuilders model are engaging and motivating family members; conducting holistic, behavioral assessments of strengths and problems; developing outcome-based goals; using evidence-based cognitive-behavioral interventions; teaching skills to facilitate behavior change, and developing and enhancing ongoing supports and resources.

The core program strategies are:

- *Intervention at crisis point.* Homebuilders' therapists work with families when they are in crisis, seeing families within 24 hours of referral to the program.

- *Accessibility.* Services are provided in the family's home and community (e.g., school) at times convenient to families, including evenings, weekends, and holidays. Therapists are available 24 hours a day, 7 days a week, for crisis intervention. This accessibility allows close monitoring of potentially dangerous situations.
- *Flexibility.* Intervention strategies and methods are tailored to meet each family's needs, values, and lifestyles. Services are provided when and where the families wish. Therapists also provide a wide range of services, such as helping families meet the basic needs of food, clothing, and shelter; using public transportation; budgeting; and, when necessary, dealing with the social services system.
- *Time-limited and low caseload.* Families receive four to six weeks of intensive intervention, with up to two "booster sessions." Therapists typically serve two families at a time and provide 80 to 100 hours of service, with an average of 45 hours of face-to-face contact with the family.
- *Strengths-based.* Therapists help clients identify and prioritize goals, strengths, and values and help them use and enhance strengths and resources to achieve their goals.
- *Ecological/holistic assessment and individualized treatment planning.* Assessments of family strengths, problems, and barriers to service/treatment and outcome-based goals and treatment plans are completed collaboratively with each family.
- *Research-based treatment practices.* Therapists use evidence-based treatment practices, including motivational interviewing, behavioral parent training, cognitive-behavior therapy strategies, and relapse prevention. Therapists teach family members various skills, including child behavior management, effective discipline, positive behavioral support, communication skills, problem-solving

skills, resisting peer pressure, mood management skills, safety planning, and establishing daily routines.

- *Support and resource building.* Therapists help families assess their formal and informal support systems and develop and enhance ongoing supports and resources for maintaining and facilitating changes.

Systematic research shows the program can be a cost-effective intervention method. A cost-benefit analysis found that, for each dollar invested in the Homebuilders program, the total benefit-to-cost ratio per participant was \$2.54. The total benefits minus the costs was \$4,775, a positive result indicating that investing in the program saves money. The California Evidence-Based Clearinghouse for Child Welfare includes the Institute's Homebuilders model as one of only five programs identified as being effective in reunifying families. The U.S. Surgeon General has recognized Homebuilders as a model family strengthening program, the Office of Juvenile Justice Delinquency Prevention (OJJDP) and Center for Substance Abuse Prevention (CSAP) have designated Homebuilders as a model program for preventing juvenile delinquency, and the program has been accepted into the Substance Abuse and Mental Health Services Administration National Registry of Evidenced Based Programs and Practices to prevent or treat mental health or substance abuse disorders. Research consistently shows that 70 to 90% of referred families remain safely together six months to a year following services.

### Critical Thinking

Is it possible for a program like Homebuilders to work in the nation's most disorganized areas? Can an intervention program such as this overcome the effects of neighborhood dysfunction? Is this a Band-Aid approach to social problems?

SOURCE: Institute for Family Development, HOMEBUILDERS - IFPS <http://www.institutefamily.org/> (accessed Feb. 2022).

# Summary

## **LO1** Explain the link between family relationships and juvenile delinquency

- There is little question that family dysfunction can lead to long-term social problems.
- Interactions between parents and children provide opportunities for children to acquire or inhibit anti-social behavior patterns.
- People who perceived a lack of parental warmth and support were later much more likely to get involved in antisocial behaviors.
- Good parenting lowers the risk of delinquency for children living in high-crime areas.

## **LO2** Chart the changes American families are now undergoing

- The nuclear family is showing signs of breakdown.
- The so-called traditional family—with a male breadwinner and a female who cares for the home—is a thing of the past.
- Children today live in a profusion of family living arrangements.
- Though there has been a sharp decline in teen pregnancies over the past decade, most kids born to unwed women have teen moms. It remains to be seen how overturning the Roe decision in *Dobbs vs. Jackson* (2022) will effect this dynamic.

## **LO3** Interpret the complex association between family breakup and delinquent behavior

- About half of all marriages end in divorce.
- Research indicates that parents whose marriage is secure produce children who are secure and independent.
- Children who have experienced family breakup are more likely to demonstrate behavior problems and hyperactivity than children in intact families.
- There is a growing sentiment that family breakup is traumatic and most likely has a direct influence on factors related to adolescent misbehavior.
- Divorce may influence children's misbehavior through its effect on parental misbehavior.
- While family breakup is linked to delinquency, most kids whose parents are divorced or separated live happy and productive lives.

## **LO4** Summarize why families in conflict produce more delinquents than those that function harmoniously

- The link between parental conflict and delinquency is well established in the research literature.

- Children who grow up in dysfunctional homes often exhibit delinquent behaviors, having learned at a young age that aggression pays off.
- Kids who are conflict prone may actually help destabilize households.

## **LO5** Compare and contrast the effects parental competency and efficacy on delinquency

- Children raised by parents who lack proper parenting skills are more at risk than those whose parents are supportive and effectively control their children.
- Parents of beyond-control youngsters have been found to be inconsistent rule-setters.
- Children who feel inhibited with their parents and refuse to discuss important issues with them are more likely to engage in deviant activities.
- Delinquency will be reduced if both or at least one parent can provide parental efficacy, or the type of structure that integrates children into families while giving them the ability to assert their individuality and regulate their own behavior.

## **LO6** Discuss whether having deviant or misbehaving parents affects a child's behavioral choices

- A number of studies have found that parental deviance has a powerful influence on delinquent behavior.
- A significant number of delinquent youths have criminal fathers.
- School yard bullying may be both inter- and intragenerational.
- The link between parental deviance and child misbehavior may be genetic.
- Children of drug-abusing parents are more likely to get involved in drug abuse and delinquency than the children of nonabusers.
- The link between parental deviance and child delinquency may be shaped by parenting ability, by learning deviant values, or it may even be related to labeling and stigma.

## **LO7** Interpret sibling influence on delinquency

- Some evidence shows that siblings may influence behavior.
- Siblings who live in the same environment are influenced by similar social and economic factors; it is not surprising that their behavior is similar.
- If deviance is genetically determined, the traits that cause one sibling to engage in delinquency are shared by his or her brother or sister.



- Deviant siblings grow closer because of shared interests. It is possible that the relationship is due to personal interactions: Younger siblings imitate older siblings.

#### **LO8 Discuss the nature and extent of child abuse**

- Parental abuse and neglect are not modern phenomena. Maltreatment of children has occurred throughout history.
- Child abuse includes neglect as well as physical and sexual abuse.
- Physical abuse includes throwing, shooting, stabbing, burning, drowning, suffocating, and biting.
- Physical neglect results from parents' failure to provide adequate food, shelter, or medical care for their children.
- Emotional abuse is manifested by constant criticism and rejection of the child.
- Emotional neglect includes inadequate nurturing and inattention to a child's emotional development.
- Abandonment refers to the situation in which parents leave their children with the intention of severing the parent-child relationship.
- Sexual abuse refers to the exploitation of children through rape, incest, and molestation by parents, other family members, friends, or legal guardians.
- Approximately 3 million allegations of child abuse and neglect involving 6 million children are made to child protective services agencies each year.

#### **LO9 List the assumed causes of child abuse**

- Abusive families suffer from severe stress.

- Substance abuse has been linked to child abuse.
- Parents who themselves suffered abuse tend to abuse their own children.
- The presence of an unrelated adult in the home increases the risk of abuse.
- Isolated and alienated families tend to become abusive.
- The behavior of abusive parents can often be traced to negative experiences in their own childhood—physical abuse, emotional neglect, and incest.

#### **LO10 Give examples of the child protection system and the stages in the child protection process**

- If the care a child receives falls below reasonable standards, the state may take action to remove the child from the home and place her or him in a less threatening environment.
- Child protection agencies have been dealing with abuse and neglect since the late nineteenth century.
- The Child Abuse Prevention and Treatment Act has been the impetus for the states to improve the legal frameworks of their child protection systems.
- All states have statutes requiring that persons suspected of child abuse and neglect be reported.
- Once reported to a child protection agency, the case is screened by an intake worker and then turned over to an investigative caseworker.
- In making their decisions, courts are guided by three interests: the role of the parents, protection for the child, and the responsibility of the state.

## **Key Terms**

nuclear family, p. 286  
 blended families, p. 291  
 intrafamily violence, p. 294  
 family social capital, p. 295  
 parental efficacy, p. 295  
 resource dilution, p. 296  
 battered child syndrome, p. 300  
 child abuse, p. 300  
 neglect, p. 301  
 abandonment, p. 301  
 familicide, p. 302

*Troxel v. Granville*, p. 308  
*Santosky v. Kramer*, p. 308  
 advisement hearing, p. 310  
 pretrial conference, p. 310  
 disposition hearing, p. 311  
 balancing-of-the-interests approach, p. 311  
 review hearings, p. 312  
 foster care, p. 312  
 hearsay, p. 314  
*White v. Illinois*, p. 315  
*Maryland v. Craig*, p. 315

## Questions for Discussion

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1. Differentiate between *child abuse* and *child neglect*?
2. Discuss the association between child abuse and delinquency. Give two different explanations, one genetic the other experiential, for the positive relationship between abuse and antisocial behavior.
3. Do you believe that child abuse is a learned behavior? Is it inter-generational, that kids who were abused later grow up to be abusive parents? That is the way they were raised and that is what they learned.
4. What is meant by the child protection system? Do courts act in the best interest of the child when they allow an abused child to remain with the family?
5. Should children be allowed to testify in court via CCTV? Does this approach prevent defendants in child abuse cases from confronting their accusers?
6. Is corporal punishment ever permissible as a disciplinary method?

## Viewpoint

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You are an investigator with the county bureau of social services. A case has been referred to you by a middle school's head guidance counselor. It seems that a young girl, Emily, has been showing up to school in a dazed and listless condition. She has had a hard time concentrating in class and seems withdrawn and uncommunicative. The 13-year-old has missed more than her normal share of school days and has often been late to class. Last week, she seemed so lethargic that her homeroom teacher sent her to the school nurse. A physical examination revealed that she was malnourished and in poor physical health. She also had evidence of bruising that could only come from a severe beating. Emily told the nurse that she had been punished by her parents for doing poorly at school and failing to do her chores at home.

When her parents were called to school to meet with the principal and guidance counselor, they claimed to be members of a religious order that believes children should be punished severely for their misdeeds. Emily had been placed on a restricted diet as well as beaten with a belt to correct her misbehavior. When the guidance counselor asked them if they would be willing to go into family therapy, they were furious and told her to

mind her own business. It's a sad day, they said, when "God-fearing American citizens cannot bring up their children according to their religious beliefs." The girl is in no immediate danger because her punishment is not considered life threatening.

The case is then referred to your office. When you go to see the parents at home, they refuse to make any change in their behavior, claiming that they are in the right and you represent all that is wrong with society. The "lax" discipline you suggest leads to drugs, sex, and other teenage problems.

- Would you get a court order removing Emily from her house, placing her in foster care, and requiring the parents to go into counseling?
- Would you report the case to the district attorney's office so it could take criminal action against her parents under the state's child protection act?
- Would you take no further action, reasoning that Emily's parents have the right to discipline their child as they see fit? That interfering with her upbringing is a violation of their religious freedom.
- Would you talk with Emily and see what she wants to happen?

## Doing Research on the Web

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To help you answer these questions and to find more information on child abuse, visit the website of the National Library of Medicine (<https://www.nlm.nih.gov>). Their database provides both links and

information on child abuse. Another useful site is Prevent Child Abuse America (<http://preventchildabuse.org/>), a group established in 1972 and dedicated to preventing all forms of child abuse.

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# 9

# Peers and Delinquency: Gangs, Groups, and Cliques

## Learning Objectives

- 1 Give examples of the influence of peers on delinquency
- 2 Outline how romantic love influences delinquency
- 3 Analyze the various definitions used to describe gangs
- 4 Discuss the history of gangs
- 5 Identify the extent and location of the gang problem
- 6 Characterize the globalization of gangs
- 7 List the various forms contemporary gangs take
- 8 Describe female gangs and gang members
- 9 Compare the various theories of why kids join gangs
- 10 Summarize the various forms of gang-control efforts in use today

## Chapter Outline

### Adolescent Peer Relations

Peer Relations and Delinquency  
Impact of Peer Relations

### Youth Gangs

What Are Gangs?  
How Did Gangs Develop?

### Contemporary Gangs

Extent  
Location  
Migration  
Globalization  
Types  
Cohesion  
Age  
Gender  
Formation  
Leadership

Communications  
Ethnic and Racial Composition  
Criminality and Violence

### Why Do Youths Join Gangs?

The Anthropological View  
The Social Disorganization/Sociocultural View  
The Anomie/Alienation View  
The Family Tradition/Learning View  
The Psychological View  
The Rational Choice View  
Leaving the Gang

### Controlling Gang Activity

Legal Controls  
Law Enforcement Efforts  
Community-Level Programs  
Evaluating Gang-Control Efforts

## Chapter Features

**Focus on Delinquency:** Cyberbullying

**Focus on Delinquency:** Words or Deeds?

**Focus on Delinquency:** Birds of a Feather?

**International Delinquency:** Gang Violence in Japan

**Focus on Delinquency:** Gangs in Cyberspace

**Treating Delinquency:** Newport News STEP Program

**Treating Delinquency:** Cure Violence



**Luis is a 16-year-old Latino male** who identified himself as gang involved. After a fight with a rival gang member at a party, he was charged with substantial battery and resisting arrest. Luis already had a history of truancy and a police record for several thefts, vandalism, underage drinking, and curfew violations. He was smoking marijuana daily, not attending school, and had experienced little success in the educational environment outside of sports. Luis also exhibited significant anger management concerns and was viewed as a threat to the community.

His family was supportive but apprehensive about his behavior. Luis's mother was very involved in his life and was doing her best to raise her four children without any assistance or involvement from their father. Luis had felt like "the man of the family" from an early age. In their family culture, Luis, the oldest male, felt responsible for caring for his mother and younger siblings. He had joined a gang around the age of 11 in hopes that it would provide additional protection for his family. Despite numerous concerns from his family and the juvenile court, Luis was allowed to return home following his arrest until the next juvenile court proceeding. He was referred for electronic monitoring and an intensive home supervision program.


Luis arrived at his initial juvenile court plea hearing intoxicated and belligerent. His family was concerned that Luis was using drugs and alcohol and that he needed treatment. Still, the prosecuting attorney did not agree and petitioned for him to be sent directly to a juvenile correctional facility. While the next court hearing was pending, Luis participated in an alcohol and drug assessment. He was recommended to enter a residential treatment facility for his drug use and alcohol issues, anger management problems, and gang involvement issues. During the wait between court proceedings, he was involved in an intensive supervision program where he received individual counseling, group treatment, monitoring of his whereabouts and school activities, family and individual crisis intervention, and significant redirection regarding his choices. He was also referred to an alternative school program where his chances for success would be better. Luis's mother was hopeful that the services



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would assist him and that Luis would start to turn his life around.

At the dispositional hearing, there was disagreement regarding the best plan for Luis, and a contested hearing took place. The prosecuting attorney again wanted him sent directly to a juvenile correctional facility. The defense attorney argued that Luis needed alcohol and drug treatment and other services and that he should be sent to an inpatient treatment facility that had agreed to admit him. Luis's probation officer and his family advocated for him to get treatment rather than the correctional placement. With the additional services and support, he had been doing better in the community setting. The judge listened to all of the testimony and expressed concerns regarding Luis's juvenile court involvement record and the community's safety. At the same time, she wanted to give him a chance to be successful in drug treatment. In the end, the judge ordered Luis to the juvenile correctional facility, but "stayed" the order, permitting Luis to enter treatment. This "stay" meant that if Luis left the treatment facility or was terminated from the program, he would automatically go to juvenile corrections. If his treatment was successful, he would most likely return to the community with the needed supports and services. If Luis decided not to cooperate with the community aftercare plans, or if he had any further law violations, he could also be immediately sent to juvenile corrections. Luis and his family seemed to understand the seriousness of the situation, and Luis agreed to treatment.



Luis entered the voluntary 90-day alcohol and drug treatment program and began to work on his sobriety, anger issues, gang involvement, and criminal thinking concerns. Luis's mother visited regularly and participated in family sessions, though it was difficult to coordinate, given her work schedule and responsibility for the other children in the household. The involved professionals assisted with coordinating child care and arranging transportation so she could be there for Luis. He struggled at first and had a hard time adjusting to the facility's rules. His mother and the team encouraged him to remain in treatment and try to focus on a positive future, and they reminded him of the "stayed" correctional order. Luis ultimately decided to engage in treatment and completed the 90-day program.

The team of professionals, along with Luis and his mother, created an aftercare plan that initially

included ongoing drug counseling and support, individual counseling, intensive supervision and monitoring, group supports, and placement in an alternative educational setting. Through the alternative school, Luis got involved in a program that offered troubled youth the experience of building homes for underprivileged families. Luis gained valuable work skills and time to focus on positive activities. Though he still struggled with school, with his past gang involvement, and with making good choices, he significantly decreased his police contacts and had no further arrests as a juvenile. Do you believe that Luis being able to remain at home with his mother and siblings was a key element of his success? If so, do you also believe that the use of a "stayed" correctional order being in place until Luis's 18th birthday was sound justice policy?

**D**espite Luis success, the problem of gang control is a difficult one. Many gangs flourish in inner-city areas that offer lower-class youths few conventional opportunities, and members are resistant to offers of help that cannot deliver legitimate economic hope.<sup>1</sup> Although gang members may be subject to arrest, prosecution, and incarceration, a new crop of young recruits is always ready to take the place of their fallen comrades. Those sent to prison find that, upon release, their former gangs are only too willing to have them return to action. Politicians have advocated to increase punishment for the "little monsters" and to save the "fallen angels," or the victimized youths who are innocent.<sup>2</sup> While some anti-gang activity seems to work, the number of gang members has steadily increased and is now estimated to be more than 850,000!

Stories like Luis's are not unusual. Although some gangs include only a few loosely organized neighborhood youths, others like the Crips, Bloods, and Latin Kings have thousands of members scattered around the United States and abroad. A significant portion of all drug distribution in the nation's inner cities is believed to be gang controlled; gang violence accounts for more than 2,000 homicides each year. Take, for instance, the highly violent MS-13 gang. The latest available data indicate that along with some 10,000 members in the United States, MS-13 has an estimated 60,000 combined members in El Salvador, Honduras, and Guatemala.<sup>3</sup> In October 2012, the U.S. Department of Treasury designated MS-13 as the first street gang to earn the title of transnational criminal organization.

We begin this chapter with a discussion of peer relations, showing how they influence delinquent behavior. A great deal of adolescent misbehavior is committed with peers in groups and cliques, groups that may morph into law-violating youth groups and gangs. Because of this connection and the seriousness of gang activity in the United States, we turn our attention to the definition, nature, and structure of delinquent gangs and efforts to control their criminal activities.

## Adolescent Peer Relations

### LO1

Give examples of the influence of peers on delinquency

Although parents are the primary source of influence and attention in children's early years, between ages 8 and 14, children seek a stable peer group, and both the number and the variety of friendships increase as children go through adolescence. Friends soon begin to have a greater influence over decision making than parents.

As they go through adolescence, children form friendship *dyads*, an association with a single "best friend," then get into **cliques**, small groups of friends who share activities and confidences. They also belong to **crowds**, loosely organized groups of teens who share interests and activities such as sports, religion, or hobbies. Intimate friends play an important role in social development, but adolescents are also deeply influenced by this wider circle of friends. Adolescent self-image is partly formed by perceptions of one's place in the social world.<sup>4</sup> Kids not only are influenced by their close intimates, but also model their behavior on that displayed by others they are less familiar with or do not associate with as long as it can impress their immediate group. In mid-adolescence, kids strive for peer approval and to impress their closest friends.<sup>5</sup>

In later adolescence, peer acceptance has a major impact on socialization. By their teens, children report that their friends give them emotional support when they are feeling bad and that they can confide intimate feelings to peers without worrying about their confidences being betrayed. Poor peer relations, such as negative interactions with best friends, are related to high social anxiety. In contrast, close affiliation with a high-status peer crowd seems to afford protection against depression and other negative adolescent psychological symptoms.<sup>6</sup> Some kids seek others with similar fears and anxieties. They may feed off each other emotionally. Girls may seek peers with similar body image problems and get involved in diet and extreme weight loss activities that can be physically and emotionally harmful.<sup>7</sup>

Popular youths do well in school and are socially astute. Kids with lots of friends and a variety of peer group networks tend to be less delinquent than their less popular mates.<sup>8</sup> In contrast, children their peers reject are more likely to display aggressive behavior and disrupt group activities by bickering or behaving antisocially. Kids choose friends with similar behavior and values, and the resemblance increases as the friendship develops; resemblance declines when friendship dissolves. In stable friendships, the more accepted popular partner exerts greater influence over the less accepted partner. If the more popular friend engages in delinquency and alcohol use, the less popular "follower" will soon follow.<sup>9</sup>

Peer status during childhood is an important contributor to a child's social and emotional development that follows children of both sexes over the life course. Girls who engage in aggressive behavior with childhood peers later have more conflict-ridden relationships with their romantic partners. Boys who are highly aggressive and therefore rejected by their childhood peers are more likely to engage in criminality and delinquency from adolescence into young adulthood.<sup>10</sup>

Peer influence may be more important than parental nurturance in the development of long-term behavior.<sup>11</sup> Peers guide and help each other learn to share and cooperate, cope with aggressive impulses, and discuss feelings they would not dare bring up at home. Youths can compare their own experiences with peers and learn that others have similar concerns and problems.<sup>12</sup> Evidence suggests that peers may outweigh parents' influence in producing a delinquent way of life. Even children born into high-risk families—such as those with single teen mothers—can avoid delinquency if their friends are prosocial and refrain from drug use and criminality.<sup>13</sup> Conversely, negative peer influence can neutralize the positive effects of maternal monitoring and control on deviant behaviors.<sup>14</sup> Youths can compare their own experiences with peers and learn that others have similar concerns and problems.<sup>15</sup>

### cliques

Small groups of friends who share intimate knowledge and confidences.

### crowds

Loosely organized groups who share interests and activities.

**Peers and Social Media** Social media has become a significant factor in peer relations. These sites play an important role in establishing friendships and now

determine the quality of a teen's social world. More than 75% of youth now regularly use social media, from Facebook to Snapchat, Instagram, and Twitter. These sites play a crucial role in connecting with potential friends, helping them learn about kids in their community, and helping them to decide upon peer-approved trends and values. Connecting online has replaced face-to-face contact as the preferred mode of interaction. It removes time and distance barriers and actually makes kids feel better connected to their friends. One reason for this improved connectedness is that smartphones are omnipresent and universal, offering near-constant access to friends and their online postings.<sup>16</sup>

The downside of social media has also become a significant problem. Less popular adolescents can now see videos and photos of their more popular peers at parties and get-togethers in real-time and subsequently suffer feelings of rejection. There has been a linkage between these negative feelings and suicide, especially for youth already suffering from psychological deficits such as anxiety and depression. There are also issues of over sharing of information, sending embarrassing photos, e.g., sexting, and sending messages while an adolescent that years later will prove to be quite harmful when they are an adult and have a professional career.

Another significant problem teens face today is cyberbullying, discussed in the following Focus on Delinquency.

## Focus on Delinquency

### Cyberbullying

Experts define bullying among children as repeated negative acts committed by one or more children against another. While bullying has been a problem for decades, it has now morphed from the physical to the virtual. Because of the creation of cyberspace, physical distance is no longer a barrier to the frequency and depth of harm doled out by a bully to their victim. Cyberbullying is defined as willful and repeated harm inflicted through the medium of electronic text. Like their real-world counterparts, cyberbullies are malicious aggressors who seek implicit or explicit pleasure or profit by mistreating other individuals. Although power in traditional bullying might be physical (stature) or social (competency or popularity), online power may stem from net proficiency. Cyberbullies can navigate the Net and use technology in a way that puts them in a position of power relative to their victim.

Cyberbullies use several formats to harass their victims, most commonly, an electronic device such as a smartphone or an iPad to send harassing texts, emails, or instant messages to the victim. Or they can humiliate or shame the victim by posting obscene, insulting, and slanderous messages and embarrassing photos to online bulletin boards or social

networking sites. Some go as far as developing their own site to promote and disseminate defamatory content.

#### How Common is Cyberbullying?


Cyberbullying has been on the upswing, especially during the COVID crisis, when adolescents and teens were home from school and in front of a computer all day. Some of the most important data on cyberbullying come from the Cyberbullying Research Center headed by Sameer Hinduja and Justin Patchin. Their latest survey (2021) used a nationally representative sample of 2,546 U.S. youth between the ages of 13 and 17 to understand their positive and negative experiences better online. More than 23% of sample reported having been bullied in the last month. Almost 5% admitted to having cyberbullied others in the last month. Cyberbullying peaks at around 14 and 15 years of age before decreasing through the latter years of adolescence. The reason for the decline: most social media and gaming platforms require users to be at least 13 years of age. Hinduja and Patchin conducted a separate (2020) survey of 1,034 tweens (9–12-year-olds). They found that about 15% had been cyberbullied at some point in their



## Peer Relations and Delinquency

Kids who hang out with delinquent friends, spend time socializing without parental supervision and admire and want to emulate them are the most likely to increase involvement in antisocial behaviors.<sup>17</sup> Unstructured socializing is related to delinquency for at least three reasons: (1) adolescents are exposed to delinquent peers without parental controls, (2) exposure to delinquent peers affects the extent to which adolescents perceive temptations (opportunities) to engage in delinquency, and (3) exposure to delinquent peers affects adolescents' tolerance for substance use.<sup>18</sup> So absent parental guardians, hanging out with peers who encourage risk-taking behavior and drug use soon becomes a pathway to adolescent delinquency.<sup>19</sup> Adolescents model their behavior after these peers: Those who hang out with a violent group are more likely to be violent themselves; those who hang out with a bunch of vandals are more likely to engage in vandalism. And as peer groups shift, so does an adolescent's "choice" of misbehavior.<sup>20</sup>

**Deviancy Training** Research shows that peer group relationships are closely tied to delinquent behaviors. Delinquent acts tend to be committed in small groups rather than alone, a process referred to as *co-offending*.<sup>21</sup> Many kids are initiated into deviant activities such as smoking marijuana by their friends, and their friends'



lifetimes; about 3% claim to have cyberbullied others. Girls are slightly more likely to be victims (24%) than boys (22%); more than 35% of transgender teens report being cyberbullied.

### Consequences of Cyberbullying

Studies suggest short- and long-term consequences for both the perpetrators and the victims of bullying. Students who are chronic victims of bullying experience more physical and psychological problems than peers who other children do not harass, and they tend not to grow out of the victim role. Young people mistreated by peers may not want to be in school and may thereby miss out on the benefits of school connectedness and educational advancement. Longitudinal studies have found that victims of bullying in early grades also reported being bullied several years later. Chronically victimized students may, as adults, be at increased risk for depression, poor self-esteem, and other mental health problems, including schizophrenia. In some extreme cases, adolescents are subject to such virulent cyberbullying that they decide to take their lives.

Because of these consequences, several states have passed anti-cyberbullying laws. Kentucky's statute is shared below:

"Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication." Punishment is a Class B misdemeanor.

### Critical Thinking

Do you think cyberbullying is both a common and serious problem? Is it worse, for example, than school yard physical attacks and intimidation? Can you discuss what you have heard about cyberbullying, how kids reacted, and what happened to the perpetrators?

SOURCES: Hinduja and Justin Patchin, Cyberbullying fact sheet: Identification, Prevention, and Response. Cyberbullying Research Center, 2021 <https://cyberbullying.org/Cyberbullying-Identification-Prevention-Response-2021.pdf>; Hinduja and Patchin, Cyberbullying in 2021 by Age, Gender, Sexual Orientation, and Race, <https://cyberbullying.org/cyberbullying-statistics-age-gender-sexual-orientation-race>; Kentucky Criminal statute: 525.080 (Harassing communications): Chapter 125, H.B. 91.

## deviancy training

A process in which close friends reinforce deviant behavior choices through talk and interaction.

pro-deviant attitudes help support continued involvement in antisocial or illegal acts.<sup>22</sup> In **deviancy training**, close friends reinforce deviant behavior through talk and interaction. They talk about what they have done, such as taking drugs or having sex, and laugh and joke about what happened. Their laughter and support lead to more rule-breaking. The more adolescents talk positively and reinforce deviant acts, the more likely their friends will engage in the antisocial behavior on a long-term basis.<sup>23</sup>

Some kids are more susceptible to deviancy training than others.<sup>24</sup> Sensation seekers are more likely to be influenced by their friends than passive teens.<sup>25</sup> Boys who mature early and reach puberty at a young age are also the ones most likely to develop strong attachments to delinquent friends and be influenced by deviancy training.<sup>26</sup> The earlier youngsters develop relationships with delinquent peers and the closer those relationships get, the more likely they will become delinquent.

These effects can last into adulthood. By illustration, a longitudinal study by Joseph Allen and his colleagues followed a group of almost 200 adolescents for more than 14 years, from age 13 to 27. The conclusion: association with deviant friends began when teens had coercive and difficult relations with parents, leading to a decline in positive relationships with non-delinquent peers and an increase in destructive relations with deviant peers. Later, the teens subject to deviancy training exhibited greater internalizing (such as sadness and depression) and externalizing symptoms (such as aggression) and poorer overall adjustment in adulthood.<sup>27</sup>

The following Focus on Delinquency feature looks at the form deviancy training may take.

### LO2

Outline how romantic love influences delinquency

**Romantic Love** As you may recall, in his social bond theory, Travis Hirschi argued that delinquent youth were loners who did not form an attachment to others. How, then, do they fare as romantic partners? When Peggy Giordano and her associates examined the romantic life of delinquents, they found that the delinquents

## Focus on Delinquency

### Words or Deeds?

How does deviancy training work? Is it words or deeds? To find out, Owen Gallupe and his colleagues carried out two randomized experiments in which subjects could steal a gift card worth about \$15 when placed in front of them on a table. Each experiment had (1) a control group, (2) a verbal prompting group in which the experimenters planted confederate(s) who then encouraged the subjects to steal the card, (3) a behavioral modeling group in which the experimenter's confederate(s) committed the theft themselves, and (4) a verbal prompting plus behavioral modeling group in which confederate(s) both encouraged theft and stole a gift card themselves. The first experiment used one confederate; the second experiment used two. The sample consisted of 335 undergraduate students.

Gallupe and his associates found that the experiment involving verbal prompting and behavioral modeling produced subjects who were most likely to steal; the behavioral

modeling group followed these. There were no thefts in either the control or verbal prompting groups, regardless of the number of confederates.

So, while verbal peer pressure may affect some teens, deeds rather than words may be more significant. Kids whose friends commit crime in their presence are more likely to be influenced than those who merely hear their peers bragging about their exploits.

### Critical Thinking

Considering your own life and experience, what has influenced you more, what people or what they do? Is it a turn-off if they talk the talk but are not willing to walk the walk?

SOURCES: Owen Gallupe, Holly Nguyen, Martin Bouchard, Jennifer Schulenberg, Allison Chenier, and Katie Cook, "An Experimental Test of Deviant Modeling," *Journal of Research in Crime and Delinquency* 53:482–505 (2016).

actually report more frequent contact with their romantic partners than the average teen. However, Giordano found that delinquent youth argue more and report more verbal conflict with their romantic partners than their nondelinquent peers.<sup>28</sup>

Does this mean that delinquents are washouts as romantic partners? Not exactly. The intimacy offered by adolescent romantic love may fill an emotional void created when the bonds to parents, family, and significant others are frayed or non-existent. Finding love and support may help neutralize an array of negative outcomes, including involvement in delinquency.<sup>29</sup> In contrast, adolescent sexual activity without the promise of love increases the likelihood of offending because it is associated with strain created by loveless relationships. Romantic love has a deterrent effect that encourages youths to decrease their involvement in crime. By contrast, the association between sex and crime is intensified in relationships short on love. Kids who engage in sex without love or romance may be willing to partake in other risky and/or self-indulgent behaviors, including delinquency and drug usage.

## Impact of Peer Relations

Does having antisocial peers cause law-abiding youth to turn to delinquency, or do delinquents seek out like-minded companions? While it is possible that delinquency is a product of peer influence, it is also possible that the relationship is spurious and produced by other factors. Many views provide alternative explanations for the peer–delinquency link:

- **Peer pressure can lead to delinquency.** The classic model is that a “good kid” is led astray by more delinquent peers. Kids who use substances pressure their friends to do so also; shoplifters and car thieves convince their peers to go along for the ride.<sup>30</sup>
- **Flawed perceptions control peer relations.** Kids may overestimate their friends’ deviant behavior. This misperception, rather than actual peer behavior, influences their delinquent choices. Kids think, “all my friends drink, take drugs, and have sex, so I better do so too or I will not be part of the group.” But their view is wrong; they are acting on false beliefs. Perception rather than actual peer behavior influences delinquent choices.<sup>31</sup>
- **Birds of a Feather.** Antisocial youths enjoy hanging out with like-minded friends with temperaments similar to their own.<sup>32</sup> If these compatible friends are also anti-social, they will amplify the likelihood of a troubled kid getting further involved in behavior on the margin.<sup>33</sup> Take, for instance, adolescents who regularly smoke cigarettes. They typically choose other smokers as their friends; hanging out with other underage smokers helps support and accelerates their smoking activity.<sup>34</sup>  
In sum, like-minded friends can help support and enhance anti-social and or illegal behaviors.<sup>35</sup> As children move through life, antisocial friends help them maintain delinquent careers and obstruct the aging-out process.<sup>36</sup>
- **Troubled kids choose delinquent peers out of necessity rather than desire.** Delinquent kids come from distressed homes, maintain emotional problems, and do poorly in school. They may display emotional or behavioral problems early in childhood and are labeled “strange” or “weird” by other kids, labels that stick into mid-adolescence. Stigma leads to estrangement and feelings of isolation and loneliness. The social baggage they cart around prevents them from developing associations with conventional peers, and they may find themselves reaching out to similarly troubled, stigmatized, and negatively labeled peers.

**Do They Really Flock Together?** There is little question that the association between peer influence and delinquency is complex. While, at first glance, it seems that many crime-involved youth choose like-minded friends, many also

hang out with kids who are not delinquent themselves, raising the question of whether “birds of a feather really do flock together” (see the Focus on Delinquency feature).

Having delinquent friends may turn out to have social benefits: while they may horrify parents, having disreputable, sketchy friends can increase social standing and popularity among the teen population. No one wants to be considered a nerd or socially awkward. Teens may be afraid that they will be socially isolated if they abstain from rule-violating behaviors. Drinking, smoking pot, and partying are the norm in adolescent society; abstainers are disparaged, not admired.<sup>37</sup>

By ninth grade, kids who belong to the “party crowd” (a group that engages in underage drinking and precocious sex) gain rather than lose social capital. Participation in the party subculture has short-term costs (such as lower grades or detachment from school), but in the long term provides gains in the form of social capital and peer group popularity.<sup>38</sup> So while some kids may seek out delinquent friends, they may do so to gain popularity, not to enter into a delinquent way of life.

## Focus on Delinquency

### Birds of a Feather?

It is ironic that even though the prevailing wisdom is that delinquency is strongly influenced by interaction and involvement with older and/or more experienced peers, most institutional treatment programs based in schools, community centers, and the juvenile justice system continue to organize deviant peers into groups and isolate them from conventional law-abiding kids. In their important book *Deviant Peer Influences in Programs for Youth: Problems and Solutions*, Kenneth A. Dodge, Thomas Dishion, and Jennifer Lansford find that public policy is often based on a misguided desire to remove law violating youths from the mainstream and segregate them, together, in groups.

Exclusion policy takes place on many different levels. Though the long-term trend has been toward mainstreaming, some schools still place children who display conduct problems in special education groups for diagnosed as “seriously emotionally disturbed” (SED) or “behaviorally or emotionally handicapped” (BEH); about 25% of special needs students are still being kept separate from the general school population. Independent public and private schools are dedicated to educating students whose externalizing behavior cannot be handled within classroom routines. In practice, some students who act out are treated in self-contained classrooms for almost the whole day. The effects of this aggregation creates a loss of opportunities for positive influence from well-adjusted peers.

Adolescents with problems are also lumped together in the juvenile justice system. Delinquents are placed in residential settings such as detention centers, training schools, reform schools, prisons, boot camps, and wilderness camps that are populated exclusively by other offending youth. In all of these settings, youths interact primarily with other deviant youths under circumstances of limited adult supervision.

Even community-based programs designed to keep at-risk youths off the streets offer little structure or adult supervision and simply provide a place for youths to hang out. These programs may have the unintended effect of increasing behavior problems by increasing the aggregation of at-risk youth.

In sum, while many experts believe that delinquent “birds of a feather flock together,” school, community, and justice system policy has been to isolate at-risk kids, lumping them together and thereby magnifying negative effects of peer influence.

#### Critical Thinking

If lumping problem youth together causes problems, is there a possible alternative solution? Is this an insurmountable problem?

SOURCES: Kenneth Dodge, Jennifer Lansford, and Thomas Dishion, “The Problem of Deviant Peer Influences in Intervention Programs,” in Kenneth Dodge, Thomas Dishion, Jennifer Lansford, eds., *Deviant Peer Influences in Programs for Youth: Problems and Solutions* (New York: Guilford Press, 2006), pp. 3–13.



## Youth Gangs

### LO3

Analyze the various definitions used to describe gangs

As youths move through adolescence, they gravitate toward cliques that provide them with support, assurance, protection, and direction. Sometimes, the peer group provides the social and emotional basis for antisocial activity. When this happens, the clique transforms into a **gang**.

Such a powerful mystique has grown up around gangs that the mere mention of the word evokes images of black-jacketed youths roaming the streets in groups bearing such names as MS-13, Latin Kings, Crips, and Bloods. Films (*Boyz in the Hood*), television shows, novels, and even Broadway musicals (e.g., *West Side Story*, *Grease*) have romanticized youth gangs.<sup>39</sup>

Considering the suspected role gangs play in violent crime and drug activity, it is not surprising that gangs have recently become the target of a great deal of research interest and government anti-gang activities. Important attempts have been made to gauge the size, location, makeup, and activities of gangs, and in the following sections, this research will be discussed in some detail.

### gang

Group of youths who collectively engage in delinquent behaviors.

## What Are Gangs?

Gangs are groups of youths who engage in delinquent behaviors. Yet gang delinquency differs from group delinquency. While the former involves long-lived institutions with a distinct structure and organization, including identifiable leadership, division of labor, rules, rituals, and possessions, the latter consists of a short-lived alliance created to commit a particular crime or violent act.

Delinquency experts are often at odds over the precise definition of a gang. The term is sometimes used broadly to describe any congregation of youths who have joined together to engage in delinquent acts. However, police departments often refer only to cohesive groups that hold and defend territory, or turf.<sup>40</sup>

Academic experts have also created a variety of definitions (see Exhibit 9.1). The core elements in the gang concept are that it is an **interstitial group**—one falling within the cracks and crevices of society—and maintains standard group processes, such as recruiting new members, setting goals, assigning roles, and developing status.<sup>41</sup>

Two factors seem to stand out in all of these definitions:

- Members have self-recognition of their gang status and use special vocabulary, clothing, signs, colors, graffiti, and names. Members set themselves apart from the community and are viewed as a separate entity by others. Once they get the label of “gang,” members eventually accept and take pride in their status.
- There is a commitment to criminal activity, although even the most criminal gang members spend the bulk of their time in noncriminal activities.<sup>42</sup>

### interstitial group

Delinquent group that fills a crack in the social fabric and maintains standard group practices, such as setting goals, recruiting new members, developing status, and assigning roles.

## How Did Gangs Develop?

### LO4

Discuss the history of gangs

The youth gang is sometimes viewed as uniquely American, but several other nations have also reported gangs.<sup>43</sup> Nor are gangs a recent phenomenon. In the 1600s, organized gangs that called themselves Hectors, Bugles, Dead Boys, and other colorful names terrorized London. In the seventeenth and eighteenth centuries, English gang members wore distinctive belts and pins marked with serpents, animals, stars, and the like.<sup>44</sup> The first mention of youth gangs in America occurred in the late 1780s when prison reformers noted the presence of gangs of young people hanging out on Philadelphia’s street corners. By the 1820s, New York’s Bowery and Five Points districts, Boston’s North End and Fort Hill, and the outlying Southwark and Moyamensing sections of Philadelphia were the locales of youth gangs with colorful names like the Roach Guards, Chichesters, the Plug Uglies, and the Dead Rabbits.<sup>45</sup>

In the 1920s, Frederick Thrasher initiated the study of the modern gang in his analysis of more than 1,300 youth groups in Chicago.<sup>46</sup> He found that the social,

## Exhibit 9.1

# Definitions of Teen Gangs

### Frederick Thrasher

An interstitial group originally formed spontaneously and then integrated through conflict. It is characterized by behavior: meeting face-to-face, milling, movement through space as a unit, conflict, and planning. This collective behavior results from the development of tradition, unreflective internal structure, esprit de corps, solidarity, morale, group awareness, and attachment to local territory.

### Malcolm Klein

Any denotable adolescent group of youngsters who (a) are generally perceived as a distinct aggregation by others in their neighborhood, (b) recognize themselves as a denotable group (almost invariably with a group name), and (c) have been involved in a sufficient number of delinquent incidents to call forth a consistent negative response from neighborhood residents and/or law enforcement agencies.

### Walter Miller

A self-formed association of peers, bound together by mutual interests, with identifiable leadership, well-developed lines of authority, and other organizational features, who act in concert to achieve a specific purpose or purposes, which generally include the conduct of illegal activity and control over a particular territory, facility, or type of enterprise.

### G. David Curry and Irving Spergel

Groups containing law-violating juveniles and adults that are complexly organized, although sometimes diffuse and sometimes cohesive, with established leadership and membership rules. The gang also engages in a range of crimes (but with significantly more violence) within a framework of norms and values regarding mutual support, conflict relations with other gangs, and a tradition of turf, colors, signs, and symbols. Subgroups of the gang may be differentially committed to various delinquent or criminal patterns, such as drug trafficking, gang fighting, or burglary.

### James Short

Groups of young people whose members meet together with some regularity, over time, based on group-defined criteria of membership and group-defined organizational characteristics. In the simplest terms, gangs are unsupervised (by adults), self-determining groups that demonstrate continuity over time.

### National Gang Center

A youth gang is commonly thought of as a self-formed association of peers having the following characteristics:

- The group has three or more members, generally aged 12–24.
- Members share an identity, typically linked to a name and other symbols.
- Members view themselves as a gang, and others recognize them as a gang.
- The group has some permanence and a degree of organization.
- The group is involved in an elevated level of criminal activity.

### United States Justice Department

An association of three or more individuals: whose members collectively identify themselves by adopting a group identity, which they use to create an atmosphere of fear or intimidation frequently by employing one or more of the following: (1) a common name, slogan, identifying sign; (2) symbol, tattoo or other physical marking, style or color of clothing, hairstyle, hand sign or graffiti; (3) the association's purpose, in part, is to engage in criminal activity and the association uses violence or intimidation to further its criminal objectives; (4) its members engage in criminal activity, or acts of juvenile delinquency that if committed by an adult would be crimes; (5) with the intent to enhance or preserve the association's power, reputation, or economic resources; (6) the association may also possess some of the following characteristics: (a) the members employ rules for joining and operating within the association; (b) the members meet on a recurring basis; (c) the association provides physical protection of its members from other criminals and gangs; (d) the association seeks to exercise control over a particular location or region, or it may simply defend its perceived interests against rivals; or (e) the association has an identifiable structure; (7) this definition is not intended to include traditional organized crime groups, such as La Cosa Nostra, groups that fall within the department's definition of "international organized crime," drug trafficking organizations or terrorist organizations.

SOURCE: Frederick Thrasher, *The Gang* (Chicago: University of Chicago Press, 1927), p. 57; Malcolm Klein, *Street Gangs and Street Workers* (Englewood Cliffs, NJ: Prentice Hall, 1971), p. 13; Walter Miller, "Gangs, Groups, and Serious Youth Crime," in David Schicor and Delos Kelly, eds., *Critical Issues in Juvenile Delinquency* (Lexington, MA: Lexington Books, 1980); James Short Jr. and Fred Strodbeck, *Group Process and Gang Delinquency* (Chicago: University of Chicago Press, 1965); National Gang Intelligence Center, National Gang Report, 2015, <https://www.fbi.gov/file-repository/stats-services-publications-national-gang-report-2015.pdf/view> (accessed January 2022).



In the late 1960s and into the 1970s, gangs began to reemerge in New York, Los Angeles, and other large cities. There are more than 850,000 gang members in the United States today. Here, members of the Chicago gang Blackstone Rangers exchange a power salute.

economic, and ecological processes that affect the structure of cities create cracks in the normal fabric of society—weak family controls, poverty, and social disorganization—and referred to this as an *interstitial area*. According to Thrasher, groups of youths develop to meet such needs as play, fun, and adventure, activities that sometimes lead to delinquent acts. Impoverished areas present many opportunities for conflict between groups of youths and adult authority. If this conflict continues, the groups become more solidified, their activities become primarily illegal, and the groups develop into gangs.

According to Thrasher, adult society does not meet the needs of lower-class youths, and the gang solves the problem by offering excitement, fun, and opportunity. The gang is not a haven for troubled youths but an alternative lifestyle for ordinary boys. Thrasher's work has had an important influence. Recent studies of delinquent gang behavior also view the gang as a means for lower-class boys to achieve advancement and opportunity, defend themselves, and attack rivals.<sup>47</sup>

**Gangs in the 1950s and 1960s** The threat of gangs and gang violence swept the public consciousness in the 1950s and early 1960s. Rarely did a week go by without a major city newspaper featuring a story on the violent behavior of fighting gangs and their colorful leaders and names—the Egyptian Kings, the Vice Lords, the Blackstone Rangers. Social service and law enforcement agencies directed major efforts to either rehabilitate or destroy the gangs. Movies like *The Wild Ones* and *Blackboard Jungle* were made about gangs, and the Broadway musical *West Side Story* romanticized violent gangs.

In his classic 1967 work *Juvenile Gangs in Context*, Malcolm Klein summarized existing knowledge about gangs.<sup>48</sup> He concluded that gang membership was a way for individual boys to satisfy certain personal needs related to the development of youths caught up in the emotional turmoil typical of the period between adolescence and adulthood. A natural inclination to form gangs is reinforced by the perception that the gang represents a substitute for unattainable middle-class rewards.

The experience of being a member of a gang will dominate a youngster's perceptions, values, expectations, and behavior. Finally, the gang is self-reinforcing: it is within the gang more than anywhere else that a youngster may find forms of

acceptance for delinquent behavior—rewards instead of negative sanctions. And as the gang strives for internal cohesion, the negative sanctions of the “outside world” become interpreted as threats to cohesion, thus providing secondary reinforcement for the values central to the legitimization of gang behavior.<sup>49</sup>

By the mid-1960s, the gang menace seemed to have disappeared. Some experts attribute the decline in gang activity to successful gang-control programs.<sup>50</sup> They believed that gangs were eliminated because police gang-control units infiltrated gangs, arrested leaders, and constantly harassed members.<sup>51</sup> Gang boys were more likely to be sanctioned by the juvenile justice system and receive more severe sentences than nongang youths.<sup>52</sup> Another explanation for the decline in gang activity was the increased political awareness that developed during the 1960s. Many gang leaders became involved in the social or political activities of ethnic pride, civil rights, and antiwar groups. In addition, many gang members were drafted. Still another explanation is that gang activity diminished during the 1960s because many gang members became active users of heroin and other drugs, which curtailed their group-related criminal activity.<sup>53</sup>

**Gangs Reemerge** Interest in gang activity began anew in the early 1970s. Bearing such names as Savage Skulls and Black Assassins, gangs began to form in New York’s South Bronx neighborhoods in the spring of 1971 and quickly spread to other parts of the city. By 1975, there were 275 police-verified gangs with 11,000 members.<sup>54</sup>

Gang activity also reemerged in other major cities, such as Chicago and Los Angeles. The Crips gang was created in Los Angeles in 1969 by teens Raymond Washington and Stanley “Tookie” Williams. Initially called the Baby Avenues, they evolved to Avenue Crips and then Crips. According to legend, the gang’s name became Crips because some of its members used canes to attack victims; it is also possible it was a simple spelling mistake in newspaper articles about the gang.

As the Crips gained power, other rival gangs feared their growing dominance. By late 1971, L.A. Brims, Piru Street Boys, the Bishops, Athens Park Boys, and other gang boys met to discuss how to combat Crip intimidation. The gangs merged and called themselves the Bloods, known for wearing a red bandana and slashing victims to draw their blood as part of the gang initiation rites. Eventually, these gangs sent representatives to organize chapters in distant areas or take over existing gangs.

**Why Did Gangs Reemerge?** One reason for the increase in gang activity may be involvement in selling illegal drugs.<sup>55</sup> Early gangs relied on group loyalty to encourage membership, but the quest for drug profits lures modern gang members. In some areas, gangs replaced organized crime families as the dominant suppliers of cocaine and crack. The traditional weapons of gangs—chains, knives, and homemade guns—were replaced by automatic weapons.

Gang formation was also the natural consequence of economic and social dislocation when the economy shifted from a relatively high-paying manufacturing to a low-wage service economy.<sup>56</sup> Some U.S. cities that required a large population base for their manufacturing plants now face economic stress as these plants shut down. In this uneasy economic climate, gangs flourish while the influence of successful adult role models and stable families declines. The presence of gangs in areas unaccustomed to delinquent group activity can devastate community life.

While this social dislocation was occurring, the media fell in love with gang images, which appeared in films and music videos. Gangsta rap became a national phenomenon. Because there has been a diffusion of the gang culture through the popular media, in which gang boys are made to appear as successful heroes, urban kids may find the lure of gangs and law-violating peer groups irresistible.



# Contemporary Gangs

LO5

Identify the extent and location of the gang problem

The gang cannot be viewed as a uniform or homogeneous social concept. Gangs vary by activity, makeup, location, leadership style, and age. The next sections describe some of the most salient features of contemporary gangs.

## Extent

There are several national indicators of the nature and trends in gang activity. According to the latest, there are approximately 30,000 gangs and 850,000 gang members across the United States. Compared with the previous five-year average, the estimated number of gangs has increased 8%, and the estimated number of gang members is 11%. The largest share of these increases are larger cities—more than 50% of the net increase in gangs and gang members over the past five years was due to overall increases in larger cities. In contrast, smaller cities and rural areas have experienced a decline in gang activity, suggesting that the gang problem is becoming more concentrated nationally in urban areas.<sup>57</sup>

## Location

A significant majority of urban areas report the presence of gangs, and gangs exist in all levels of the social strata, from rural counties to metropolitan areas. Traditionally, gangs have operated in large urban areas experiencing rapid population change. In these **transitional neighborhoods**, diverse ethnic and racial groups compete with one another.<sup>58</sup> Intergang conflict and homicide rates are high in these areas, which house the urban “underclass.”<sup>59</sup> However, these neighborhoods eventually evolve into permanently **disorganized neighborhoods**, where population shifts slow down, permitting patterns of behavior and traditions to develop over many years. Most typical are inner city areas of Los Angeles and Chicago and the Mexican American **barrios** of the southwestern states and California. These areas contain large, structured gang clusters resistant to change or control by law enforcement agencies. Research confirms that cities with greater social and economic deprivation experience higher rates of gang homicide. Communities with fewer resources have limited capacities to regulate human behavior, and gangs are naturally occurring deviant social networks that engage in violence due to weakened social controls. It is not that these communities are more tolerant of violent gang activities; rather, they lack the collective efficacy to control gangs.<sup>60</sup>

The recent uptick in the number of gangs (and gang members) seems to be in the nation’s largest cities, suggesting that gang activity is becoming even more concentrated in urban areas.<sup>61</sup> The most recent findings do not support the popularly held notion that gang activity is migrating outward to less densely populated areas.

## Migration

Because of redevelopment, gangs in some areas have relocated or migrated; gang members have organized new chapters when they relocate to new areas. Many jurisdictions have experienced gang migration; in a few areas, more than half of all gang members come from other areas. Smaller areas, where gang problems are less common and/or chronic, were significantly less likely than larger areas to report gang-member migrants. About 9% of jurisdictions reported that more than half of the documented gang members in their jurisdictions had migrated from other areas.<sup>62</sup>

Why do gang members migrate? While the prevailing wisdom is that gang members move for criminal purposes (e.g., to sell drugs to new customers at higher prices), most do so for social reasons (e.g., members moving with families, pursuit of legitimate employment opportunities). Others seek new drug market opportunities or want to avoid law enforcement crackdowns in their hometowns. In all, less than 20% move to a new location solely to participate in illegal ventures in a new area that

### transitional neighborhoods

Areas within the city that are undergoing stress and change rendering them incapable of protecting residents or maintaining informal social control.

### disorganized neighborhoods

Areas experiencing social disorganization, characterized by residents experiencing long term poverty, deteriorated and dilapidated buildings and structures, and population instability. Inner-city disorganized neighborhoods have the heaviest concentration of crime.

### barrio

The Spanish-speaking quarter of a town or city, especially one with a high poverty level.

may have less gang competition. Most migrants maintain close ties with members of their original gangs “back home.” Some migrants join local gangs, shedding old ties and gaining new affiliations.

Although some experts fear the outcome of migration, it appears the number of migrants is relatively small in proportion to the overall gang population.<sup>63</sup> A widely held perception is that larger proportions of gang-member migrants are associated with increases in local gang activities, such as violence, drugs, and conflict. However, the data show that the presence or proportion of gang-member migrants has little effect on gang activities.

In sum, gang-member migration is far more the exception than the rule outside urban areas. Gang-member migrants are usually a small part of the total gang population, have likely moved to the area for legitimate social or family reasons, and have no prominent impact on local gang offenses.

## LO6

Characterize the globalization of gangs

## Globalization

The gang problem is not unique to the United States; homegrown gangs and migrating transnational gangs have developed worldwide.<sup>64</sup> While the term “gang,” regardless of location, typically refers to a law-violating youth group, subtle differences in its meaning occur in different countries and cultures. A recent study comparing gangs in Chicago with those in Glasgow, Scotland, found significant differences in the way the term “gang” can be interpreted in these two English-speaking countries. In Glasgow, the term “gang” refers to territorial youth groups located in specific communities that did not necessarily partake in crime or violence. In Chicago, the term “gang” described large-scale, multi-neighborhood alliances made up of both juveniles and adults.<sup>65</sup>

One reason for the universality of gangs is that the global society has increased the percentage of people living in extreme poverty in some areas of the world.<sup>66</sup> As a result, a growing global urban underclass from which gang members are recruited. In addition, globalization means that information and weapons are readily available anywhere in the world, allowing gangs to expand their resources for criminal enterprises.

The global criminal economy, especially the illegal distribution of drugs, involves gangs as both major and bit players. Numerous gangs operate in distressed areas such as the townships of South Africa, where they rule politically and control the underground economy. Chinese triads operate globally but are especially active in South Asia and the United States. In Eastern Europe, the turmoil caused by the move to a market economy and the loss of social safety nets has strengthened gangs and drug organizations. In Albania, one-quarter of all young males are involved in the drug economy.<sup>67</sup>

Gangs are now being exported from one nation to another. There are Jamaican posses in Kansas; the Russian “*mafia*” now operates in Chicago; L.A.’s MS-13 and Calle 18 (sometimes called Barrio 18) gangs are now among the largest gangs in Honduras, Guatemala, and El Salvador. Barrio 18 is now one of the largest transnational criminal gangs in Los Angeles, with 30,000 to 50,000 members between the United States, Mexico, and Central America and is also allied with the Mexican Mafia, another U.S.-based crime organization.<sup>68</sup>

The changing social and economic conditions in our post-globalization world support the spread of gang activity:

- Worldwide urbanization and the concentration of population in crowded, poor, and disorganized cities has created fertile conditions for the growth of gangs, particularly in Latin America, Asia, and Africa.
- The state has retreated from providing social welfare and an economic safety net in the global era. Gangs and other groups of armed young men occupy the vacuum created by the retreat of the social welfare policies of the state.

- Kids who fear being marginalized in a technological economy that is growing more sophisticated by the day seek alternatives to conventional society. In some nations, they may join fundamentalist religious groups or extremely nationalistic political parties. Others have embraced the hip-hop or gangsta culture that provides them with a new identity in opposition to the conventional mainstream culture from which they have been excluded.
- Globalization has created a flourishing underground economy that can be exploited by internationally connected enterprises run by gangs, cartels, and similar groups who can easily export black market items ranging from guns to pirated prerelease films. Some gangs sell stolen merchandise through internet stores.
- The wealth of the global economy has led to the redivision of space in cities across the globe. “Economic development,” “making the city safe,” and “ethnic cleansing” has meant clearing out undesirables from urban spaces coveted by dominant ethnic or religious majorities. In America, this often means displacing the poorest people from city centers so these areas can be gentrified and rebuilt. This upheaval led to an increase in gang membership for displaced.
- Some gangs institutionalize and become permanent social actors in communities, cities, and nations rather than fading away after a generation. These gangs often replace or rival demoralized political groups and play important social, economic, and political roles in cities worldwide.

As the following International Delinquency feature indicates, gang culture has penetrated Japan, one of the most law-abiding nations on Earth.

## Types

Gangs are categorized by their dominant activity. Some are devoted to violence and protecting neighborhood boundaries or turf; others are devoted to theft; some specialize in drug trafficking; others are concerned with recreation rather than crime.<sup>69</sup> Most gangs fall into one of these four categories:

- **Social gang.** Involved in few delinquent activities and little drug use other than alcohol and marijuana. Members are more interested in social activities.
- **Party gang.** Concentrates on drug use and sales but forgoes most delinquent behavior. Drug sales are designed to finance members’ personal drug use.
- **Serious delinquent gang.** Engages in serious delinquent behavior while avoiding drug dealing and usage. Drugs are used only on social occasions.
- **Organized gang.** Heavily involved in criminality. Drug use and sales are related to other criminal acts. Gang violence is used to establish control over drug sale territories. This gang is on the verge of becoming a formal criminal organization.<sup>70</sup>

## Cohesion

The standard definition of a gang implies that it is a cohesive group. However, some experts refer to gangs as **near-groups** with limited cohesion, impermanence, minimal consensus of norms, shifting membership, disturbed leadership, and limited definitions of membership expectations.<sup>71</sup> Gangs maintain a small core of committed members, who constantly work to keep the gang going, and a much larger group of affiliated youths who participate in gang activity only when the mood suits them.<sup>72</sup>

### LO7

List the various forms contemporary gangs take

### near-groups

Clusters of youth who, outwardly, seem unified but actually have limited cohesion, impermanence, minimal consensus of norms, and shifting membership.

## Gang Violence in Japan

As any traveler who has been there can tell you, Japan seems like the safest place on the planet, and its' citizens are universally honest. You can leave your possessions on a bench, and when you come back later, they will still be there. It is no surprise that despite its industrial might and highly urbanized population—trademarks of high-crime countries in the developed world—Japan has maintained extremely low delinquency and crime rates in the post-World War II era.

Though this trend continues today, in the 1970s and 1980s, there was a dramatic upsurge in violence among young people. During the upsurge in juvenile violence, shocking events, rarely experienced before in Japan, became more common. Japanese youth gangs carried out what they call “uncle hunting,” whereby four or five gang members single out a lone businessman walking home, rob him, and beat him to the ground. Victim reports claim that gangs were not only doing this for the money but also for the thrill of inflicting pain on others. In the 1970s, there were even emergent girl gangs, called *sukeban*. They wore concealed razor blades and chains beneath their long skirts and shirts. They would decorate their high school uniforms with slogans, brawl with rival gangs, engage in petty theft, stic’in’ it to the man. Social historians like to point out that this was generally a time of women’s liberation in Japan and the West, and the *sukeban* trend went along with the women’s movement. At its peak, membership allegedly was up to the tens of thousands.

Today, youth gang members in Japan are typically known as “yankii.” These are high school-aged youth who engage in substance use, smoking, and fashion that identifies them as gang members. As they grew older, some drift into adult gangs like the *bosozoku* (literally “running out of control tribe”), who are comparable to American biker gangs. They tend to be right-wing, nationalistic, and from lower-class backgrounds. As they get older, many drop out of school young,

marry, and have babies. The gangs apply a strict social hierarchy and rules of conduct; they admire the organized crime groups, the yakuza, and are ready to fill openings in the adult gangs. Youth gang members tend to be loyal, with their peers forming real friendships. Most age out of gangs when they hit twenty years old.

So, given its low crime rate and culture that values personal honesty, how can the presence of gangs be explained? Other views pointed to a decline in cultural values and societal norms, which are widely regarded as fundamental to the economic success and crime-free lifestyle Japan has long enjoyed. Conformity, sense of community, belonging to a group, honor or “face,” and respect for authority are all believed to have declined, especially among young people. So, while the Japanese crime rate is still much lower than that in the United States, a greater percentage of the crime is committed by youths under 20, meaning that delinquency is a bigger issue in Japan than it is in the United States.

### Critical Thinking

Compared to the United States, Japan is still considered a low-crime country today. Are there elements in U.S. culture that serve as a buffer to gang formation? Does the concept of personal honor and fear of losing face have a role in U.S. culture?

SOURCES: Jianhong Liu and Setsuo Miyazawa (eds.), *Crime and Justice in Contemporary Japan* (NY: Springer, 2018); Laura Bui, David Farrington, and Mitsuki Ueda, “Potential Risk and Promotive Factors for Serious Delinquency in Japanese Female Youth,” *International Journal of Comparative and Applied Criminal Justice* 40: 209–24 (2016). Chris Lewis, Graham Brooks, Thomas Ellis, and Koichi Hamai, “Comparing Japanese and English Juvenile Justice: Reflections on Change in the Twenty-First Century,” *Crime Prevention and Community Safety* 11(2):75–89 (2009); David Ambaras, *Bad Youth: Juvenile Delinquency and the Politics of Everyday Life in Modern Japan*. Berkeley: University of California Press, 2006). Aki Roberts and Gary LaFree, “Explaining Japan’s Postwar Violent Crime Trends,” *Criminology* 42:179–209 (2004); Nobuo Komiya, “A Cultural Study of the Low Crime Rate in Japan,” *British Journal of Criminology* 39:369–390 (1999).

Current research indicates that although some gangs remain near-groups, others become quite organized and stable. These gangs resemble traditional organized crime families more than temporary youth groups. Some, such as Chicago’s Latin Kings and Gangster Disciples, have members who pay regular dues and attend gang meetings regularly. Others are flexible organizations that form coalitions with other crews to attain as much money and power as possible. Members may feud with rivals when they interfere with their goals and objectives but might also join forces in an alliance that will advance its objectives. Collaboration among street gangs has increased; gangs have merged or formed hybrid gangs to counter enforcement control efforts.



## Age

The ages of gang members range widely, perhaps from as young as 8 to as old as 55.<sup>73</sup> Traditionally, most members of offending groups were no more than a few years apart, with a leader who may be a few years older than most other members.<sup>74</sup> However, because members stay in gangs longer than in the past, the age spread between gang members has widened considerably.

Research indicates that youths first hear about gangs at around 9 years of age, get involved in violence at 10 or 11, and join their first gang at 12. By age 13, most members have (a) fired a pistol, (b) seen someone killed or seriously injured, (c) gotten a gang tattoo, and (d) been arrested.<sup>75</sup> Gang experts believe the average age of gang members has been increasing yearly, a phenomenon explained partly by the changing structure of the U.S. economy. Kids stay in gangs longer because there are fewer jobs in the legitimate economy for untrained, uneducated workers.<sup>76</sup> Though gang members are aging, that does not mean very young kids are not being recruited into gangs in the United States and other cultures.

**Why Are Gang Members Aging?** Gang members are getting older, and the majority are now legal adults. The relatively high-paid, low-skilled factory jobs that would entice older gang members to leave the gang have been lost to overseas competition. A transformed U.S. economy now prioritizes information processing, cyber skills, and service over heavy industry. This shift in emphasis undermines labor unions that might have attracted former gang boys. Equally damaging has been the embrace of social policies that stress security and the needs of the wealthy while weakening the economic safety net for the poor (e.g., reducing welfare eligibility). William Julius Wilson found that the inability of inner-city males to obtain adequate jobs means they cannot afford to marry and raise families. Criminal records acquired at an early age quickly lock these youths out of the job market, so remaining in a gang becomes an economic necessity.<sup>77</sup> In the wake of reduced opportunity for unskilled labor, gangs have become an important ghetto employer offering low-level drug-dealing opportunities that are certainly not available in the nongang world.<sup>78</sup> It remains to be seen how the aftermath of the COVID pandemic and the unrest in Europe will affect this balance.

## Gender

Traditionally, gangs were considered a male-dominated enterprise. Of the more than 1,000 groups included in Thrasher's original survey, only half a dozen were female gangs. Females were involved in gangs in three ways: as auxiliaries (or branches) of male gangs, as part of sexually mixed gangs, or as autonomous gangs. Auxiliaries are a feminized version of the male gang name, such as the Lady Disciples rather than the Devil's Disciples.

It is difficult to assess female gang representation accurately. National data indicate that less than 10% of gang members are female; smaller cities and rural counties report a higher percentage of female gang membership compared to urban areas.<sup>79</sup>

One reason for the gender gap is that females leave gangs earlier than males, hence their smaller numbers. Gender-mixed gangs are also more commonly reported now. This trend is important since females in majority-male gangs exhibit the highest delinquency rates (including higher rates than males in all-male gangs). Gangs of mixed gender are typically located in smaller towns and rural areas.

**Girls in the Gang** Why do girls join gangs? There are various reasons, including but not limited to financial opportunity, identity and status, peer pressure, family dysfunction, and protection.<sup>80</sup> Some admit that they join because they are bored and look to gangs for a social life; they seek fun, excitement, and a means to find

### LO8

Describe female gangs and gang members

parties and meet boys. Still, others join simply because gangs are in the neighborhood and viewed as part of their way of life. And some children of gang members are just following in their parents' footsteps.<sup>81</sup>

What benefits does gang membership offer to females? According to the "liberation" view, ganging can give girls a sense of sisterhood, independence, and solidarity and a chance to earn profit through illegal activities. Research in Illinois found that girls from tough inner-city neighborhoods drift into gangs to escape the turmoil of their home lives, characterized by abuse, parental crime, and fatherless homes. Their affiliation begins when they hang around the street with gang boys, signaling their gang affiliation and symbolizing a lifestyle shift away from home and school and into the street culture. The shift causes parental rifts, leading to more time on the street and closer gang ties.<sup>82</sup> These young girls, typically ages 14 to 15, are targets for sexual and criminal exploitation.

Although links to male gang members may forge initial female gang participation, girls form close ties with other female members once in gangs and engage in group criminal activity.<sup>83</sup> In contrast, the "social injury" view of female gang involvement suggests that young girls are still sexually exploited by male gang boys and sometimes forced to exploit other females.

**Mixed vs. All Female Gangs** Girls who are members of male gang auxiliaries report that males control them by determining the arenas within which they can operate (e.g., the extent to which they may become involved in intergang violence). Males also play a divisive role in the girls' relationships with each other; this manipulation is absent for girls in independent gangs.<sup>84</sup> When criminologist Jody Miller studied female gangs in St. Louis, Missouri, and Columbus, Ohio, she found that girls in mixed gangs expressed little evidence of sisterhood and solidarity with other female gang members.<sup>85</sup> Instead, female gang members expressed hostility toward other women in the gang, believing that those who suffered sexual assault by males in the same gang deserved what they got. Instead of creating a sense of sisterhood, female gang members tried to identify with males and view themselves as "one of the guys" in the gang.

**Victimization** Female gang members are not immune from violent victimization. Some experience rape perpetrated by their fellow gang members. Other members of all-female gangs are at risk of being attacked by outsiders, including rival

Girls are used by gang members as a source of income. Here, a young woman is transported by Los Angeles police to the 77th Street Division station on a charge of prostitution. While the charge of soliciting or loitering with the intent to commit prostitution is a misdemeanor, the woman will be held for two to four days until she's formally charged. In South Central Los Angeles, prostitution flourishes and is often controlled by pimps who are current or former Bloods or Crips gang members.



Robert Nickelsberg/Getty Images News/Getty Images

gang members and those who attempt to rob them as they sell drugs. Evidence suggests that young women are actually in greater danger in mixed-gender gangs than girls in all-female gangs. In some instances, sexism and gender role expectations influence the victimization of female gang members in mixed gangs. Females in mostly male gangs are in greater danger of being victimized by rival gang members because they are seen as “one of the guys” and are involved in more serious delinquency and violence than other gang girls.<sup>86</sup>

**Joining and Leaving Gangs** Why do girls join gangs if they are exploitive and provide little opportunities for sisterhood? Even though being a gang member is not a walk in the park, most girls join gangs to cope with their turbulent personal lives. Gang membership allows them to increase their status and improve their lifestyle. Many of the girl gang members had early exposure to neighborhood violence, had encounters with girl gangs while growing up, had experienced severe family problems (violence or abuse), and had close family members who were gang involved.<sup>87</sup> Once they join gangs, female members increase their delinquent activities while also increasing their personal risk of becoming a crime victim; they are more likely to suffer physical injury than girls who shun gang membership. The risk of being sexually assaulted by male members of their own gang is not insignificant, nor is the risk of becoming enmeshed in a violent domestic relationship.<sup>88</sup>

Why do girls leave the gang? One not-so-surprising answer is that female gang members begin to drift away from gangs when they become young mothers. Pregnancy leads to a disinterest in hanging around the streets and an interest in the safety of the fetus. Other girls become inactive after they decide to settle down and raise a family. But pregnancy seems to be the primary motivating factor for women leaving gang life.<sup>89</sup> Some may reevaluate gang membership if they get in trouble with the law and do time in prison, though others may find that prison experiences enmeshes them more in a criminal way of life.<sup>90</sup>

## Formation

Gang formation involves a sense of territoriality. Most gang members live close to one another, and their sense of belonging extends only to their small city area. At first, a gang may form when members of an ethnic minority join together for self-preservation. As the group gains domination over an area, it may view the area as its territory, or turf, which it needs to defend from outsiders.

Once formed, gangs grow when youths who admire the older gang members “apply” and are accepted for membership. Sometimes the new members will be given a special identity that reflects their apprenticeship status. **Klikas**, or youth cliques, in Hispanic gangs, remain together as unique groups with separate names, identities, and experiences; they also have more intimate relationships among themselves than among the general gang membership.<sup>91</sup>

Gangs can expand by including members’ kin, even if they do not live in the neighborhood, and rival gang members who wish to join because they admire the gang’s way of doing things. Adding outsiders gives the gang the ability to take over new territory. However, it also brings new problems because it usually results in greater conflicts with rival gangs.

## Leadership

Delinquent gangs tend to be small and transitory.<sup>92</sup> Youths often belong to more than a single group or clique and develop an extensive network of delinquent associates. Group roles can vary, and an adolescent who assumes a leadership role in one group may be a follower in another.

Those who assume leadership roles have earned their position by demonstrating fighting prowess, verbal quickness, or athletic distinction. They emphasize that one person holds leadership, which varies with particular activities, such as fighting, sex,

### **klikas**

Subgroups of same-aged youths in Hispanic gangs that remain together and have separate names and a unique identity in the gang.

and negotiations. In fact, in some gangs, each age level has its own leaders. Younger members do not necessarily consider older members to be leaders.

There appear to be diverse concepts of leadership, depending on the gang's structure. Less organized gangs tend to have diffuse and shifting leadership. The more organized gangs have a clear chain of command and leaders who are supposed to plan activities and control members' behavior.<sup>93</sup>

## Communications

Gangs seek recognition from their rivals and the community. Image and reputation depend on the gang's ability to communicate with the rest of the world. One major source of communication is **graffiti** (see Figure 9.1).

Gang graffiti gives insights into gang rivalries, affiliation, and territory in a given community.

These wall writings are especially elaborate among Latino gangs, who call them *placas* or *placa*, meaning "sign" or "plaque." Latino graffiti usually contains the writer's street name and the gang's name. Strength or power is asserted through the terms *rifa*, which means to rule, and *controllo*, indicating that the gang controls the area. Another common inscription is "p/v," for *por vida*; this inscription refers to the fact that the gang expects to control the area "for life." The numeral 13 signifies that the gang is *loco*, or wild. Crossed-out graffiti indicates that a rival gang contests a territory.

Gangs also communicate using a secret vocabulary. Members may refer to their crew, posse, troop, or tribe. Within larger gangs are "sets" who hang in particular neighborhoods, and "tips," small groups formed for particular purposes.

How important is graffiti? Does its presence foretell the coming of gang activity and violence? One recent study conducted in an urban gang center found that graffiti an important means of communication between gangs and is highly correlated with violence escalation.<sup>94</sup> There was a 40 to 60% increase in the rate of gang homicides, gang assaults, and gang firearm offenses tied directly to increases in neighborhood density of gang graffiti. In fact, gang homicide and gang assault increased even with increases in non-threatening gang graffiti that did not involve explicit threats or disrespect. In conclusion, gang graffiti provides clear clues that gang status is on the line and violence is expected and easily provoked.

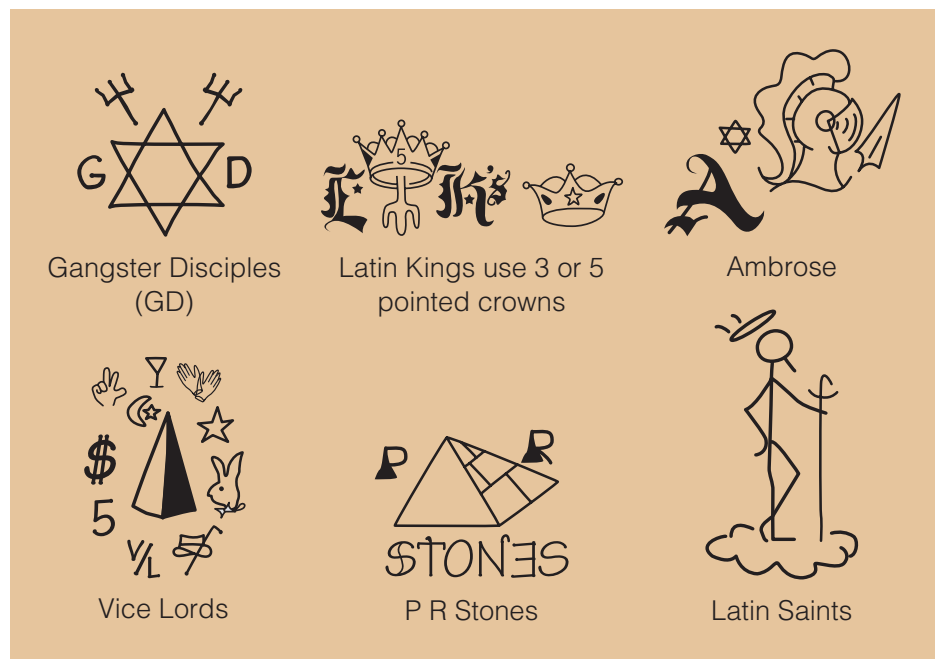
### graffiti

Inscriptions or drawings made on a wall or structure and used by delinquents for gang messages and turf definition.

Figure 9.1

### Gang Symbols Used in Graffiti

SOURCE: Provided by Illinois State Police, <http://www.isp.state.il.us/docs/5-572.pdf> (accessed October 2016).





## Exhibit 9.2

### Elements of Gang Graffiti

- *The name and/or initials of the gang* and, if relevant, its overall affiliation (Crips/Bloods/Sureños/Folks, etc.).
- *Threats or challenges to rivals.* These may include abbreviations such as BK for Blood Killer, CK for Crip Killer, or rival gang names with the word Killer or Killa. The number 187, common in gang graffiti around the United States, represents the California Penal Code for homicide. Rival gangs also may be threatened or “disrespected” by crossing their names out with an X or a line, or by writing insults or slurs next to their names.
- *Hints about the history of the gang*, such as telephone area codes, territorial markers, and street names from the gang’s originating area.
- *A roll call or list of the gang members’ nicknames.* Gang members often refer to one another by their nicknames and may not know the first and/or last names of fellow gang members. These nicknames often describe the gang members, such as physical appearance or personality. Names with the number 2 or higher behind them indicate more than one gang member has that nickname. When reading graffiti, one can often determine that the scribe is either the first or the last moniker listed. As a matter of respect, a scribe may list monikers of close associates first and his own last. However, if the same graffiti is done in a rival gang’s turf, the scribe will likely list his moniker first to let the rival gang know that he initiated the insult and marked his territory.
- *Statements bragging about the gang’s reputation.* These include words such as *loc/loco* (“crazy”) and *rifamos* (“the best”).

SOURCE: Michelle Arciaga, Wayne Sakamoto, and Erika Fearbry Jones, “Responding to Gangs in the School Setting,” *National Gang Center* <http://www.nationalgangcenter.gov/Content/Documents/Bulletin-5.pdf> (accessed Jan 2022)

**Hand Signs** Several years ago, a young woman was at a dance concert in Milwaukee, Wisconsin, when she was so carried away by the music that she jumped on stage and started to dance with the band. While dancing, she used sign language to convey the message, “I love you,” over and over. She did not realize that her gestures were almost identical to the Latin Kings’ hand sign, a turn of events that enraged several Latin Kings members on the dance floor. They perceived her hand signing as blatant disrespect to the Almighty Latin King and Queen Nation. Her innocent gestures cost the woman her life, as the FBI found out subsequently during a gang conspiracy investigation of the Latin Kings.<sup>95</sup>

Gang hand signs are quickly displayed with the fingers, hands, and body and have specific meanings to gang members. Hand signs are powerful nonverbal communication because just a quick flash of the hand can announce gang affiliation or issue a challenge or insult to a rival. Gangs have used them for quite some time, beginning with Chinese triads. Some common hand signs are shown in Figure 9.2.

Similar to signing, **posting** is a system of positions, facial expressions, and body language to convey a message. Gang boys may hold their chin up to display their defiance and arrogance, or they may cross their arms and intently stare at someone to show their feeling of disapproval or as a challenge.

Flashing or tossing gang signs in the presence of rivals often escalates into a verbal or physical confrontation. Chicago gangs call this **representing**. Gang members will proclaim their affiliation and ask victims, “Who do you ride?” or “What do you be about?” An incorrect response will provoke an attack. False representing can be used to misinform witnesses and victims.

**Tattoos** Gang tattoos are used to communicate an individual’s membership in a gang. Many tattoos are messages, such as “outlaw,” “thug life,” “1%er,” among others, and serve as expressions of gang mentality and do not specify any particular gang.

Though tattoos can signify gang membership, they are also used by non-members.<sup>96</sup> Street and prison gangs wear the spider web, but civilians also wear it as a decorative tattoo. Worn by a gang member, the spider web indicates that the individual has served or is currently serving time in prison and is “caught in the

#### posting

A system of positions, facial expressions, and body language used by gang members to convey a message.

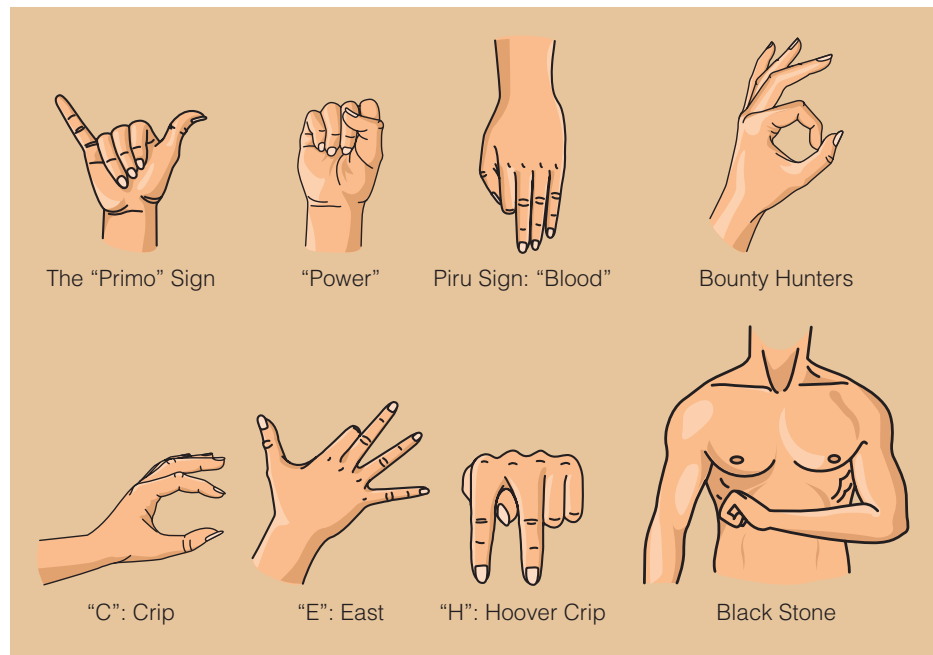
#### representing

Tossing or flashing gang signs in the presence of rivals, often escalating into a verbal or physical confrontation.

Figure 9.2

## Gang Hand Signs

SOURCE: Adapted from Gang Signs, <http://zimmer.csufresno.edu/~haralds/htmlfiles/gang-signs.html> (accessed October 2016).



web” of the justice system; it can also mean they are caught in the web of the gang lifestyle.

Another universal tattoo, three dots, can be found anywhere on the body but often on the hand or near the eye; it means *mi vida loca*, or “my crazy life.” It can also represent Christianity’s holy trinity or three places gang life will lead: hospital, cemetery, or prison.

Another of these commonly used tats, a theater-masks tattoo with “Smile Now, Cry Later” or “Laugh Now, Cry Later,” symbolizes the philosophy of doing what you need to do to enjoy life now because tomorrow you may be dead or in prison. It can also mean stay strong now and deal with whatever life brings later.

Though tattoos have played a significant role in gang culture, they may lose favor since they signal law enforcement that the bearer is a gang member. Many gang members avoid tattoos or place them inconspicuously on the body, such as inside the lip.

The following Focus on Delinquency looks at how gangs are today using the internet to recruit, communicate and commit crime.

## Ethnic and Racial Composition

According to the National Youth Gang Survey, African American and/or Hispanic youth predominate among documented gang members. Law enforcement agencies report a greater percentage of Hispanic and African American gang members than other races/ethnicities. Today, about half of all gang members are Hispanic, about one-third African American, 10% white, and the rest other, such as Asian. However, the racial composition of gangs varies considerably by time and locality, so these values can change rapidly.

The ethnic distribution of gangs corresponds to their geographic location; the racial/ethnic composition of gangs is an extension of the characteristics of the larger community.<sup>97</sup> In Philadelphia and Detroit, the overwhelming majority of gang members are African American. In New York and Los Angeles, Latino gangs predominate. Newly emerging immigrant groups are making their presence felt in gangs. Authorities in Buffalo, New York, estimate that 10% of their gang population is Jamaican. A significant portion of Honolulu’s gangs is Filipino.

# Focus on Delinquency

## Gangs in Cyberspace

While tattoos and graffiti are the traditional methods of gang communications, gang boys now operate in the digital world as well. Gang communications have entered the cyber age, and gang members often use social media to communicate and promote their illicit activities. Gang members use Internet-based methods such as social networking sites, texting, and instant messaging to communicate with one another and with drug customers. Gang members use social networking sites such as Instagram, YouTube, and Facebook, as well as personal web pages, to communicate and boast about their gang membership and related activities. Social media sites provide gangs with a platform to recruit new members, either through direct communication or indirectly through videos that spread the gang's brand and boast the benefits of the gang lifestyle.

Traditionally, gangs have demarcated their territory by spray painting their name, signs, and symbols on structures throughout their communities. Now they are using social media as "electronic graffiti walls." Messages and pictures posted on these electronic graffiti walls provide gangs with new avenues to mark their territory and communicate messages to rivals while spreading the gang's name.

Street gangs typically use cell phone voice and text messaging capabilities to conduct drug transactions and arrange meetings with customers. Savvy of monitoring by law enforcement, members of street gangs use prepaid cell

phones, which they discard after conducting their drug-trafficking operations.

Today, internet-based or assisted gang crimes may include:

- Illegally downloading movies, music, or software
- Selling stolen property online
- Conducting drug sales via the internet
- Harassment
- Coordinating assaults online
- Searching online to find targets to rob or steal
- Uploading deviant videos (typically of fights)
- Assaults that took place in the street, motivated by an online communication

### Critical Thinking

Should the major social media providers such as Facebook or Twitter allow a gang presence on their sites, especially since gangs use social media to recruit members, communicate and plan crimes? Should gang content be controlled, or is that a violation of free speech?

SOURCE: Scott Decker and David Pyrooz, "Gang Offending and Online Behavior," *JRSA Journal* 30 (2012), [http://www.jrsa.org/pubs/forum/sep2012\\_30-3/Gang\\_Offending\\_and\\_Online\\_Behavior.htm](http://www.jrsa.org/pubs/forum/sep2012_30-3/Gang_Offending_and_Online_Behavior.htm); National Gang Intelligence Center, *National Gang Threat Assessment, 2015*, <https://www.fbi.gov/file-repository/stats-services-publications-national-gang-report-2015.pdf>.

**African American Gangs** The first black youth gangs were organized in the early 1920s.<sup>98</sup> Since they had few rival organizations, they could concentrate on criminal activity rather than defending their turf. By the 1930s, the expanding number of rival gangs spawned inner-city gang warfare.

In Los Angeles, the first black youth gang formed in the 1920s was the Boozies. This gang virtually ran the inner city until the 1930s. In the next 20 years, several black gangs, including the Businessmen, Home Street, Slauson, and Neighborhood, emerged and enjoyed varying degrees of criminal success. In the 1970s, the dominant Crips gang formed. Other gangs merged with the Crips or affiliated with the gang by adding "Crips" to their name; the Main Street gang became the Main Street Crips, for instance. The dominance of the Crips has since been challenged by its archrivals, the Bloods. Both of these groups are heavily involved in drug trafficking.

In Chicago, the Blackstone Rangers dominated illicit activities for almost 25 years, beginning in the 1960s and lasting into the early 1990s. Then, the gang's leader, Jeff Fort, and many of his associates were indicted and imprisoned.<sup>99</sup> The Rangers, who later evolved into the El Rukn gang, worked with "legitimate" businessmen to import and sell heroin. They earned millions in profits and established businesses that helped them launder drug money. Though many of the convictions were later overturned, El Rukn power ended.

One of the Rangers' chief rivals, the Black Gangster Disciples, morphed into the dominant gang in Chicago. They have a structure, activities, and relationships similar to traditional organized crime. Members are actively involved in politics through the formation of the "Growth and Development" movement. Gangster Disciples registered voters from the inner city and then "encouraged" the newly registered voters to vote for candidates loyal to their cause. While incarcerated, the Black Gangster Disciples will unite with allied gangs under the Brothers of Struggle (BOS) guise. The gang continues to be involved in large-scale drug trafficking, murders, and white-collar crime.<sup>100</sup> They also have extensive ownership of "legitimate" private businesses. They offer protection against rival gangs and supply stolen merchandise to customers and employees.<sup>101</sup>

Today, many African American gangs have a national presence across the United States; three of the largest are Black P. Stone Nation, Bloods, and Crips:

- *Black P. Stone Nation* consists of seven highly structured street gangs with a single leader and a common culture. Most of its estimated 6,000 to 8,000 members are African American males from the Chicago metropolitan area. The gang's main source of income is the street-level distribution of cocaine, heroin, marijuana, and, to a lesser extent, methamphetamine. Members also are involved in many other types of criminal activity, including assault, auto theft, burglary, carjacking, drive-by shootings, extortion, homicide, and robbery.
- *Bloods* is an association of structured and unstructured gangs that have adopted a single-gang culture. The original Bloods were formed in the early 1970s to protect from the Crips street gang in Los Angeles. Large, national-level Bloods gangs include Bounty Hunter Bloods and Crenshaw Mafia Gangsters. Bloods membership may be as high as 30,000 nationwide, mostly African American males. The gang is active in more than half the states. The main source of income for Bloods gangs is the street-level distribution of cocaine and marijuana. Bloods members also transport and distribute methamphetamine, heroin, and PCP (phencyclidine), but to a much lesser extent. The gangs are also involved in other criminal activities, including assault, auto theft, burglary, carjacking, drive-by shootings, extortion, homicide, identity fraud, and robbery.
- *Crips* is a collection of structured and unstructured gangs that have adopted a common gang culture. Crips membership may also approach 30,000 members, mostly African American males from the Los Angeles metropolitan area. However, the gang is active nationwide. The main source of income for the Crips gangs is the street-level distribution of powder cocaine, crack cocaine, marijuana, and PCP. The gangs are also involved in other criminal activities such as assault, auto theft, burglary, and homicide.<sup>102</sup>

**African and Caribbean Gangs** Immigrants from African nations such as Sudan also form large gangs in the United States. Somali nationals—mostly refugees displaced by the wars in Somalia and surrounding countries—have migrated to low-income communities where Somali youth admire and emulate the local gangs, such as Bloods and Crips, as well as Ethiopian gangs.<sup>103</sup> Over 10 years, Somalian gang members transported underage females from Minnesota to Ohio and Tennessee for prostitution. Other Somali gang members have been arrested for murdering drug dealers and engaging in home invasion robberies.

Along with Africa, youth from Caribbean nations have engaged in gang activity. Haitian gangs have increased in many states in recent years. They are now present across the U.S., from Texas to Connecticut. The Zoe Pound gang, founded in Miami by Haitian immigrants, is involved in drug trafficking, robbery, and related violent crime. The Haitian Boys Posse and Custer Street gang are involved in myriad criminal activities, including drug and weapons trafficking, robberies, shootings, and homicides along the East Coast.



**Hispanic Gangs** The popularity of gangs and gang culture is relatively high among youth of Hispanic background, partly explaining their disproportionate participation in gang membership.<sup>104</sup> For instance, the feared MS-13 gang began in Los Angeles, formed by Salvadorans fleeing a civil war. When they first arrived in Los Angeles, they were preyed upon by preexisting Mexican gangs. The MS-13 gang formed as a means of self-protection. The name refers to a *mara*, Spanish slang for “posse” or gang. *Salvatruchas* is local slang for being alert and ready to take action; 13 refers to their beginnings on 13th Street in Los Angeles.

Over time, the gang’s ranks grew, and members entered a variety of rackets, from extortion to drug trafficking. When law enforcement cracked down and deported members, the deportees quickly created outposts in El Salvador and Central America. The Salvadoran government has responded by criminalizing gang membership and arresting thousands. But government efforts have not stemmed the tide of recruitment, and the gangs appear to be more popular than ever.<sup>105</sup>

Developing alongside MS-13 were their main rivals, the 18th Street gang. This group began as an offshoot of a preexisting Los Angeles gang, the Clanton 14 (named after a street in the gang’s home neighborhood). The Clanton gang had been active in Los Angeles for decades and had also become quite choosy in its membership, rejecting recent Mexican immigrants and Chicanos. Those rejected formed their own gang and named it the 18th Street gang. Today, 18th Street gang members can be identified by their tattoos. The number 18 is usually represented in Roman numerals (XVIII). Although 18th Street maintains a stronghold in several Southern California cities, members have migrated throughout the nation.<sup>106</sup>

The Latin Kings street gang was formed in Chicago in the 1960s and consisted predominantly of Mexican and Puerto Rican males. Originally created with the philosophy of overcoming racial prejudice and creating an organization of “kings,” the Latin Kings evolved into a criminal enterprise operating throughout the United States under two umbrella factions—Motherland, also known as KMC (King Motherland Chicago), and Bloodline (New York). All gang members refer to themselves as Latin Kings, and individuals of any nationality are currently allowed to become members. Latin Kings associating with the Motherland faction also identify themselves as the Almighty Latin King Nation (ALKN) and make up more than 160 structured chapters operating in 158 cities in 31 states. The membership of Latin Kings following KMC is estimated to be 35,000.

Luis Felipe founded the Bloodline in the New York State correctional system in 1986. Latin Kings associating with Bloodline also identify themselves as the Almighty Latin King and Queen Nation (ALKQN). Membership is estimated to be more than 7,000, divided among several dozen chapters operating in 15 cities in 5 states. Bloodline Latin Kings share a common culture and structure with KMC and respect them as the Motherland, but all chapters do not report to the Chicago leadership hierarchy. The gang’s primary source of income is the street-level distribution of powder cocaine, crack cocaine, heroin, and marijuana. Latin Kings continue to portray themselves as a community organization while engaging in various criminal activities, including assault, burglary, homicide, identity theft, and money laundering.<sup>107</sup>

Latino gangs, such as MS-13, the 18th Street gang, and the Latin Kings, have continued to grow and now constitute the largest number of gangs and gang memberships.

Hispanic gangs are youths whose ethnic ancestry traces to one of several Spanish-speaking cultures. They are known for their fierce loyalty to their “home” gang. Admission to the gang usually involves an initiation ritual in which boys must prove their *machismo*. The most common test requires novices to fight several established members or to commit some crime, such as a robbery. The code of conduct associated with membership means never ratting on a brother or even a rival.

In some areas, Hispanic gangs have a fixed leadership hierarchy. However, leadership is fluid in Southern California, which has the largest concentration of Hispanic youth gangs. During times of crisis, those with particular skills will assume command. One boy will lead in combat while another negotiates drug deals.

Hispanic gang members are known for their dress codes. Some wear dark caps pulled down over the ears with a small roll at the bottom. Others wear a folded bandana over the forehead and tied in back. Another popular headpiece is the “stingy brim” fedora or a baseball cap with the wearer’s nickname and gang affiliation written on the bill. Members favor tank-style T-shirts that give them quick access to weapons.

Members mark territory with colorful and intricate graffiti (“tagging”). Hispanic gang graffiti has very stylized lettering and frequently uses three-dimensional designs. Hispanic gangs have a strong sense of turf, and a great deal of gang violence is directed at warding off any threat to their control. Slightings by rivals, including put-downs, stare-downs (“mad-dogging”), defacing gang insignia, and territorial intrusions, can create violent confrontation, often with high-powered automatic weapons.

**Asian Gangs** Asian gangs are prominent in New York, Los Angeles, San Francisco, Seattle, and Houston. The earliest gangs, the Wah Ching, were formed in the nineteenth century by Chinese youths affiliated with adult crime groups (*tongs*). In the 1960s, two other gangs formed in San Francisco, the Joe Boys and Yu Li, and they now operate, along with the Wah Ching, in many major U.S. cities. National attention focused on the activities of these Chinese gangs in 1977 when a shootout in the Golden Dragon restaurant in San Francisco left 5 dead and 11 wounded.

In addition to Chinese gangs, Samoan gangs have operated on the West Coast, as have Vietnamese gangs. The formation of Vietnamese gangs can be tied to external factors, including racism and economic problems, and to internal problems, including family stress and failure to achieve the success enjoyed by other Asians. Vietnamese gangs are formed when youths feel they need their *ahms*, or brothers, for protection.<sup>108</sup>

While most Asian gangs are local or regional, some now have a national presence. For example, the Tiny Rascal Gangsters is one of the largest and most violent Asian street gang associations in the United States. It comprises at least 60 structured and unstructured gangs, commonly called sets, with an estimated 5,000 to 10,000 members and associates who have adopted a common gang culture. They are most active in the Southwest, West Coast, and New England. The Rascals specialize in street-level distribution of powder cocaine, marijuana, ecstasy, and methamphetamine. Members are also involved in other criminal activities, including assault, drive-by shootings, extortion, home invasion, homicide, robbery, and theft.<sup>109</sup>

Asian gangs are unique and do not share many qualities with other ethnically centered groups. They tend to victimize members of their own ethnic group. They are more organized, have recognizable leaders, and are far more secretive than black or Hispanic groups. They tend to be far less territorial and less openly visible. Asian gangs are also known for the strict control gang elders have over younger members. Elders, some of whom may be in their 30s and 40s, are no longer engaged in street crime and violence but may instead be involved in other forms of illegal activities such as running gambling parlors, drug and human trafficking, and white-collar crime. In New England and California, Asian gangs maintain marijuana cultivation houses specifically for the manufacturing and distribution of high potency marijuana and pay members of the Asian community to reside in them—and not to talk.

They use the younger gang members to protect their business interests and to collect any unpaid gambling debts. In some jurisdictions, police can pressure the elders to control the violent tendencies of the younger members by threatening to crack down on their illegitimate business enterprises (i.e., having patrol cars parked in front of suspected gambling locations).<sup>110</sup>

**Anglo Gangs** The first American youth gangs were white ethnic youths of European ancestry. During the 1950s, they competed with African American and Hispanic gangs in the nation’s largest cities. National surveys indicate that less than 10% of traditional gang members are white European Americans today. Prevalence rates of white gang membership are lowest in larger cities but significantly higher in other areas, including rural counties. In the 1970s and 1980s, the traditional white teen gang was replaced with groups organized around white supremacy and the **skinhead** culture.

#### skinhead

Member of a white supremacist gang, identified by a shaved skull and Nazi or Ku Klux Klan markings.

Today, Alienated White youth are also being recruited by extremist groups such as the Proud Boys and similar groups. Recruiting is often done over the net because acquiring gang members enables these groups to expand and spread their doctrine. Gangs then use these groups and their teachings for many reasons, including exploiting Freedom of Religion rights, increasing membership and collaboration with other criminal organizations, and responding to perceived injustices by attempting to enact social change, often by engaging in criminal activity.

The internet has made it easy to recruit alienated White youth exposed to online message forums and social networking sites that are antigovernment and anti-immigration. Factors that contribute to the growth of these gangs include the following:

- The white power music industry has experienced substantial online promotion and sales growth.
- White supremacist groups now use the internet to connect and coordinate with chapters online.
- There is less competition from older white supremacist groups, whose activity has diminished due to the arrests or deaths of leaders.<sup>111</sup>

In addition to recruiting new members, the ability to broadcast supremacist messages over the internet can attract lone wolf violent youth to the cause. Two incidents stand out

- On June 17, 2015, teenage Dylan Roof entered the Emanuel African Methodist Episcopal Church in South Carolina and killed nine people, all African Americans, and injured one other person. Roof was arrested in Shelby, North Carolina; he confessed to his crimes. He had hoped his actions would ignite a race war. He was sentenced to death in 2017.
- On May 14, 2022, 18-year-old Peyton Gendron entered a Tops Friendly Super Market store in Buffalo, New York, and killed 10 African Americans and wounded three others. Gendron left manifestos on the internet that espoused racist, antisemitic, national socialist (Nazi), and white supremacist views. He espoused the “Replacement Theory,” which holds that due to their low birth rate, Whites were being replaced by people of color and would soon be a minority group in this country.<sup>112</sup> Gendron hoped that his actions would spur other racially motivated crimes. On November 28, 2022, Gendron plead guilty to murder and will most likely spend the rest of his life in prison.
- While at the extreme end, Roof and Gendron represent the youth drawn to violent political ideas and groups.

**Hybrid Gangs** Another recent phenomenon, hybrid gangs are devoted to making money through illegal activities such as drugs, robbery, and prostitution and are not territorial or homogenous in their makeup. Because criminal enterprise is their sole objective, hybrid gangs recruit from different racial/ethnic groups. They may even have openly gay members, rarely seen in traditional gangs.<sup>113</sup>

Hybrid gangs modify traditional gang culture with their personal interpretations and agendas and are more fluid in their rules and codes of behavior. Some members may belong to various gangs and shift their allegiance when they believe a profitable criminal enterprise may be in the works. In sum, hybrid gangs involve:

- A mixture of racial/ethnic groups
- A mixture of symbols and graffiti associated with different gangs
- Wearing colors traditionally associated with a rival gang
- Less concern over turf or territory
- Members who sometimes switch from one gang to another<sup>114</sup>

## Criminality and Violence

The most recent gang survey shows that street gang activity continues to be oriented toward violent crimes, such as assault, street-level and large-scale drug trafficking, home invasions, homicide, robbery, intimidation, threats, weapons trafficking, and sex trafficking. There are regional differences in gang crime: in the west, methamphetamine sales are common; in the north and south-central states, gangs are more likely to traffic cocaine; in the south and northeast, gangs deal and traffic heroin. The amounts generated by these crimes are substantial. One California-based gang, the Hoover Crips, trafficked approximately \$10 million of cocaine and marijuana they bought from Mexican drug cartels and then distributed through Dallas, Oklahoma City, and Tulsa before going through Ohio to the northeastern United States.<sup>115</sup>

Research evidence consistently shows that regardless of their type, gang members typically commit more crimes—violence, theft, and drug sales—than other youths in the social environment.<sup>116</sup> Criminality escalates upon joining the gang and is reduced when gang member drops out. However, the upward trajectory in criminal propensity resumes if the former member re-establishes their place in the gang.<sup>117</sup> The gang membership–crime relationship begins as early as middle school and persists throughout life.<sup>118</sup>

While the association between gang membership and delinquency is unquestioned, three different explanations exist for the relationship:

- **Selection hypothesis.** Kids with a history of crime and violence join gangs and maintain their persistent delinquency once they become members.
- **Facilitation hypothesis.** Gang membership facilitates deviant behavior because it provides the structure and group support for antisocial activities.
- **Enhancement hypothesis.** Selection and facilitation work interactively, increasing the likelihood of enhanced criminality.<sup>119</sup>

Gang criminality has numerous patterns.<sup>120</sup> While it is commonly believed that gangs specialize in drug dealing, the major players in the drug importation and distribution business tend to be adults, not gang youths.<sup>121</sup> Nor does it appear that gang membership increases the personal use of drugs: kids who used drugs before they joined gangs continue to do so, but joining a gang does not encourage substance abuse. While gang boys may be dealers, they are not necessarily users.<sup>122</sup> Although gangs do not necessarily encourage drug use, it is still quite common. One survey of gang behavior found that more than 80% of the female gang members were multiple-drug users, using drugs such as cocaine, crack, LSD, PCP, methamphetamine, heroin, glue/inhalants, MDMA, and Quaaludes.<sup>123</sup>

Other gangs engage in various criminal activity, ranging from felony assaults to drug dealing.<sup>124</sup> Gang members are most commonly involved in such crimes as larceny/theft, aggravated assault, and burglary/breaking and entering; a significant portion are involved in low-level street drug sales to generate profits for the gang.<sup>125</sup>

Do gang kids increase their involvement in criminal activity after they join gangs, or do gangs recruit kids who are already high-rate offenders? Data from the Rochester Youth Development Study (RYDS), a longitudinal cohort study of 1,000 youths in upstate New York, support the gang–crime association theory. Although only 30% of the youths in the sample report being gang members, they account for 65% of all reported delinquent acts. The RYDS data show that gang members account for 86% of all serious crimes, 63% of alcohol use, and 61% of drug abuse.<sup>126</sup> Gang members ratchet up their criminal activities. In the RYDS study, 66% of the chronic violent offenders were gang members.<sup>127</sup> So even among youth who have previously hung out with delinquent friends, joining a gang elevates their involvement in violent behaviors.<sup>128</sup>



**Gang Violence** Research shows that gang members are more violent than nonmembers, and teens experience a significant increase in violent behavior activities once they join gangs. Gangs are estimated to be responsible for about 15% of all homicides. The number of gang-related homicides is most likely on the rise, paralleling the COVID pandemic-inspired murder rate escalations in major cities where gangs are headquartered.

After leaving the gang, the propensity for violence declines significantly, becoming no different from that of kids who have never been in a gang.<sup>129</sup> One reason is that kids who join gangs are also more likely to carry weapons than nonmembers.<sup>130</sup> Young gang members are about 10 times more likely to carry handguns than nongang juvenile offenders, and gun-toting gang members commit about 10 times more violent crimes than nonmembers.<sup>131</sup> Gang members exposed to violence and engaged in violent behavior themselves are su.<sup>132</sup>

It is not surprising, then, that youth gangs are responsible for a disproportionate number of homicides. About 2,000 gang-related homicides occur each year, about 10% of the total in the United States. In a typical year in the so-called “gang capitals” of Chicago and Los Angeles, around half of all homicides are gang-related; these two cities alone account for approximately one in four gang homicides.<sup>133</sup>

Research indicates that gang violence is impulsive and therefore comes in spurts. It usually involves the defense of the gang and gang members’ reputations.<sup>134</sup> Once the threat ends, the level of violence may recede, but it remains higher than it was previously. Peaks in gang homicides tend to correspond to escalating confrontations, usually over control of gang turf or a drug market.<sup>135</sup> The most dangerous areas are along disputed boundaries where a drug hot spot intersects with a turf hot spot. There are also “marauder” patterns in which members of rival gangs travel to their enemy’s territory in search of victims.<sup>136</sup>

Violence is a core fact of gang formation and life.<sup>137</sup> Gang members feel threatened by other gangs and are wary of encroachments on their turf. It is not surprising that gangs try to recruit youths who are already gun owners; new members are likely to increase gun ownership and possession.<sup>138</sup> Nor is it surprising that gang violence is “contagious”: Gang-related violence triggers ever more violence, such as retaliation from rival gangs, in a non-ending loop.<sup>139</sup>

It should come as no surprise then that gang members face a far greater chance of death at an early age than nonmembers.<sup>140</sup>

**Revenge, Honor, Courage, and Prestige** While many boys are predisposed toward violence before joining a gang, research shows that once in gangs, their violent behavior quickly escalates; after they leave, it significantly declines.<sup>141</sup> Members typically do not kill because they are poor or young or live in a socially disadvantaged neighborhood, but rather because they live in a culture that maintains norms conducive to violent retaliation. When a gang boy kills a rival, murders spread through social contagion as gangs are forced to respond to maintain their social status and honor through a display of solidarity.<sup>142</sup> The culture that houses gangs associates honor with hypermasculinity and the use of violence to protect reputation. Because formal social control (i.e., the police) is absent in gang areas, violence is condoned or promoted as an acceptable form of social control. The need to conform to cultural values and to protect the gang’s rep is more important than individual thoughts and feelings. Violence then is an essential element to transforming a peer group into a gang.<sup>143</sup>

Members may be forced to partake in violent rituals to prove their reliability when joining the gang. Gang members are ready to fight when others attack them or believe their territory or turf is being encroached upon. Violence may be directed against rival gang members accused of insults or against those involved in personal disputes. Gang members also expect to fight when they go to certain “off-limits locations” or attend events where violence is routine. A girl gang member may fight when she senses that a member of a rival gang is trying to hook up with her boyfriend.<sup>144</sup>

Gang members are sensitive to any rivals who question their honor. Once an insult is perceived, the gang's honor cannot be restored until the "debt" is repaid. Police efforts to cool down gang disputes only delay the revenge, which can be a beating or a drive-by shooting. Random acts of revenge have become so common that physicians now consider them a significant health problem—a major contributor to early morbidity and mortality among adolescents and children in major gang cities.<sup>145</sup>

Gangs use violence to maintain the gang's internal discipline. If subordinates disobey orders, perhaps by using rather than selling drugs, they may be subject to disciplinary action by other gang members.

Another common gang crime is extortion, called "turf tax," which involves forcing people to pay the gang for protection from dangerous neighborhood youths. **Prestige crimes** occur when a gang member steals or assaults someone to gain prestige in the gang. These crimes may be part of an initiation rite or an effort to establish a special reputation, a position of responsibility, or a leadership role; to prevail in an internal power struggle; or to respond to a challenge from a rival.

#### prestige crimes

Stealing or assaulting someone to gain prestige in the neighborhood; often part of gang initiation rites.

**Organized Crime and Gangs** While the general public may associate gangs with violent acts such as drive-by shootings, some also equate gangs with organized crime such as large-scale drug dealing. There is no question that in particular communities in certain cities, youth gangs are very active in drug trafficking. However, the common stereotypes of the relationships between youth gangs, drug trafficking, and violence are often overblown. There are distinctions between youth gangs and organized criminal cartels. To remain in business, he argues, organized crime groups must have strong leadership, codes of behavior enforced by the threat of severe sanctions, and a membership with a level of expertise and sophistication that enables them to accumulate and invest the proceeds of illegal activity. They can safely import narcotics and launder the proceeds of drug deals.<sup>146</sup> In contrast, his studies show that most street gangs are only loosely structured, with transient leadership and membership, easily transcended codes of loyalty, and informal rather than formal roles for the members.<sup>147</sup> As a result, very few youth gangs meet the essential criteria for classification as "organized crime." Youth gang involvement in the drug trade is mainly in street-level distribution rather than large-scale importation and distribution, activities that are managed by adult drug cartels or syndicates, traditional narcotic importers, and other adult criminal organizations. However, while they may not fit the classic definition of organized crime syndicates, youth gangs can become integrally involved in existing adult-based distribution systems. Where drug-related violence occurs, it mainly stems from drug use and dealing by individual gang members and from gang member involvement in adult criminal drug distribution networks more than from drug-trafficking activities of the youth gang as an organized entity.

#### LO9

Compare the various theories of why kids join gangs

## Why Do Youths Join Gangs?

Though gangs flourish in inner-city areas, gang membership cannot be assumed solely to function as a lower-class identity. Many lower-class youths do not join gangs, and middle-class youths do join gangs. Let's look at some of the suspected causes of gang delinquency.

## The Anthropological View

In the 1950s, Herbert Block and Arthur Niederhoffer suggested that gangs appeal to adolescents' longing for the tribal process that sustained their ancestors.<sup>148</sup> They found that gang processes do seem similar to the puberty rites of some tribal cultures; gang rituals help the child bridge the gap between childhood and adulthood. For example, tattoos and other identifying marks are integral to gang culture. Gang initiation ceremonies are similar to the activities of young men in Pacific Island cultures.

Many gangs put new members through hazing to ensure they have “heart,” a feature similar to tribal rites. In tribal societies, initiation into a cult is viewed as the death of childhood. By analogy, boys in lower-class urban areas yearn to join the gang and “really start to live.” Membership in the gang “means the youth gives up his life as a child and assumes a new way of life.”<sup>149</sup> Gang names suggest “totemic ancestors” because they are usually symbolic (e.g., Cobras, Jaguars, and Kings).

There are other tribal elements to gangs. James Diego Vigil has described gang initiation rituals, including pummeling to show that the boy is ready to leave his matricentric (mother-dominated) household; this is reminiscent of tribal initiation rites.<sup>150</sup> These rituals become an important part of gang activities. Hand signs and graffiti have a tribal flavor. Gang members adopt nicknames that reflect personality or physical traits: The more volatile are called “Crazy,” “Loco,” or “Psycho” and someone very thin might be called “Flaco.”<sup>151</sup>

## The Social Disorganization/Sociocultural View

Sociologists have commonly viewed the destructive sociocultural forces in poor inner-city areas as the major cause of gang formation. Thrasher introduced this concept, found in the classic studies of Richard Cloward and Lloyd Ohlin and Albert Cohen.<sup>152</sup> Irving Spergel’s study *Racketville, Slumtown, and Haulburg* found that Slumtown—the area with the lowest income and the largest population—had the highest number of violent gangs.<sup>153</sup> According to Spergel, the gang gives lower-class youths a means of attaining status. Malcolm Klein’s research of the late 1960s and 1970s also found that typical gang members came from dysfunctional and destitute families and lacked adequate role models.<sup>154</sup>

The social disorganization/sociocultural view remains prominent today. In their in-depth study of Rochester youth, Thornberry and his colleagues found that those who joined gangs suffered from many social problems, including early involvement in delinquency, violence, and drug abuse, dysfunctional family relations, educational deficits, and involvement with deviant peers.<sup>155</sup>

In *Barrio Gangs*, Vigil shows that gang members are pushed into membership because of poverty and minority status. Those who join gangs are the most marginal youths in their neighborhoods and families. Vigil finds that barrio dwellers experience psychological, economic, and social “stressors.”<sup>156</sup> Gang members usually have more than one of these problems, causing them to suffer from “multiple marginality.” Barrio youths join gangs seeking a sense of belonging.<sup>157</sup>

Overall, the sociocultural view assumes that gangs are a natural response to lower-class life and a status-generating medium for boys who cannot realize their aspirations by legitimate means. Youths who join gangs may hold conventional goals but are either unwilling or unable to accomplish them through conventional means.<sup>158</sup> Gangs are not solely comprised of youths who seek deviant peers to compensate for parental brutality or incompetence. They recruit youths from many different kinds of families. The gang, thus, is a coalition of troubled youths socialized mainly by the streets rather than conventional institutions.<sup>159</sup>

## The Anomie/Alienation View

According to this view, conditions of anomie/alienation encourage gang formation on both a cultural and individual level. On a cultural level, youths are encouraged to join gangs during social, economic, and cultural turmoil.<sup>160</sup> Immigration or emigration, rapidly expanding or contracting populations, and the incursion of different racial/ethnic groups, or even different segments or generations of the same racial/ethnic population, can create fragmented communities and gang problems.<sup>161</sup>

On an individual level, gang membership appeals to adolescents who are alienated from the mainstream of society. It is not surprising that (a) kids who have had problems with the law and suffer juvenile justice processing are more likely to join gangs than nonstigmatized kids and (b) joining gangs further involves them in criminal activities.<sup>162</sup>

## The Family Tradition/Learning View

Some youths join gangs because they follow in their parents' footsteps; they have learned the benefits of gang membership.<sup>163</sup> One recent study of Mexican American gang members found that almost three-quarters of gang boys were raised in households where relatives participated in illegal activities. More than half had relatives who use drugs. Boys whose parents were in or had been in gangs were more likely to have prolonged rather than temporary gang membership.

While family tradition encourages kids to join gangs, we shouldn't discount the effect of neighborhood and community factors. Gang families are more likely than not to live in areas with limited employment, and meager social and educational opportunity within the community shapes the experiences of these adolescents. These conditions necessitate maintaining bonds with their families that often include drug use and criminally involved members.

## The Psychological View

Some experts believe that gangs provide an outlet for disturbed youths who experience various personal trials and tribulations. Some may have experienced childhood trauma, while others were seriously neglected, both precursors of psychological disturbance. It is no surprise, then, that gang members show signs of dissociation, emotional numbing (callous-unemotional traits), and post-traumatic stress disorder.<sup>164</sup>

In a classic study, Lewis Yablonsky found that violent gangs recruit their members from among the more sociopathic youths living in poverty-stricken communities.<sup>165</sup> Yablonsky views the sociopathic youth as one who "has not been trained to have human feelings or compassion or responsibility for another."<sup>166</sup>

Malcolm Klein's analysis of Los Angeles gang members also found that many suffer from various personal deficits, including low self-concept, social deficits, poor impulse control, and limited life skills.<sup>167</sup>

## The Rational Choice View

Some youths may choose to join a gang rationally. They give out "signals"—doing poorly in school and getting suspended, using violence in public places such as school, carrying a gun, having a family member in a gang, getting arrested, seriously injuring someone—behaviors that say to gang leaders that this would be a topflight recruit.<sup>168</sup>

Why does a potential member send out a signal? Some kids may turn to gangs as a method of obtaining desired goods and services, either through theft and extortion or through drug dealing and weapons sales. In this case, joining a gang can be viewed as an "employment decision." Of course, this decision may be shortsighted. It is true that upon entering, there is an increase in illegal earnings linked to delinquent activities such as theft or drug sales. However, this increase is offset by a decrease in overall earnings once they leave the gang and illegal earnings end. Also, being a former gang member hurts legitimate earnings for years. While joining a gang may seem a rational decision, more often than not, it's a poor one.<sup>169</sup>

Mercer Sullivan's study of Brooklyn gangs found that members call success at crime "getting paid." Gang boys also refer to the rewards of crime as "getting over," which refers to their pride in "beating the system," even though they are far from the economic mainstream.<sup>170</sup> According to this view, the gang boy has long been involved in criminal activity *before his gang membership, and he joins the gang to improve his illegal "productivity."*<sup>171</sup>

Gang membership is *not* a necessary precondition for delinquency. Felix Padilla found this when he studied the Diamonds, a Latino gang in Chicago.<sup>172</sup> Deciding to join the gang came after assessing legitimate opportunities. The Diamonds made collective business decisions, and individuals who made their own deals were penalized. The gang maintained a distinct structure and carried out other functions similar to legitimate enterprises, including recruiting personnel and financing business ventures.



Drug use is a big part of the gang experience, and drug users may join gangs to enhance the availability of drugs and support their usage.<sup>173</sup> Terence Thornberry found that before youths join gangs, their substance abuse and delinquency rates are no higher than those of nongang members. When they are in the gang, their crime and drug abuse rates increase, only to decrease when they leave the gang. Thornberry concludes that gangs facilitate criminality rather than provide a haven for youths who are disturbed or already highly delinquent. This research is important because it supports the life-course model: events that occur during the life cycle, such as joining a gang, have a significant impact on criminal behavior and drug abuse.<sup>174</sup>

**Personal Safety** Many gang boys are gun owners before they join, indicating they are worried about personal safety; they carry guns for defensive measures.<sup>175</sup> According to Irving Spengel, these adolescents may choose to join gangs from a “rational calculation” to achieve safety.<sup>176</sup> Youths who are new to a community may believe they will be harassed or attacked if they remain “unaffiliated.” Girls also join gangs for protection. Though male gang members may exploit them, they are protected from assaults by nongang males in the neighborhood.<sup>177</sup>

Motivation may have its roots in inter-race or inter-ethnic rivalry; youths who reside in an area dominated by a different racial or ethnic group may be persuaded that gang membership is a means of protection. Ironically, gang members are more likely to be attacked than nonmembers.

**Fun and Support** Some youths join gangs simply to have fun.<sup>178</sup> They enjoy hanging out with others like themselves and want to get involved in exciting experiences. There is evidence that youths learn pro-gang attitudes from their peers and that these attitudes direct them to join gangs.<sup>179</sup>

Some experts suggest that youths join gangs to obtain a family-like atmosphere. Many gang members report having limited contact with their parents, many of whom are unemployed and have substance abuse problems.<sup>180</sup> Those members with strained family relations are also the ones most likely to be involved in the most serious and frequent criminal activity.<sup>181</sup> Kids may join gangs to compensate for the lack of a family life experienced at home.

**The Thug Lifestyle** Some kids enter gang life because they want to enhance a chosen “thug” lifestyle. They choose “ganging” because it celebrates deviance and criminality, values they have already embraced.<sup>182</sup> Where does the thug style come from? In some instances, kids see older boys in the neighborhood acting tough and getting respect. Sometimes, the thug style emulates the dress, swagger, and lingo of media gangsters, such as Tony Montana from the cult movie *Scarface*. Set in 1980s Miami, the film’s protagonist, Tony (played by Al Pacino), is a determined Cuban immigrant who uses street smarts, toughness, and callous brutality to take over a drug empire, becoming enormously rich and powerful before succumbing to greed and his own psychological demons. Tony’s analysis of how the American system works symbolizes the thug lifestyle:

In this country, you gotta make the money first. Then when you get the money, you get the power. Then when you get the power, then you get the women.

Young gang boys want to embrace the movie gangster lifestyle and fatalism. They are ready to shoot it out with rival gang members and with the cops. In this “outlaw” world, gang boys can make their own rules, do what they want, and take what they wish without worrying about the consequences. It is a lifestyle where respect is demanded and power rules. Thugs enjoy using violence to gain vengeance against their enemies or demonstrate their criminal skills. And like Tony Montana, their prowess is envied and rewarded with respect and financial gain. Just as a doctor,

## Exhibit 9.3

### Views of Gang Formation

| View                                  | Premise  | Evidence  |
|---------------------------------------|--|---|
| <b>Anthropological</b>                | Gangs appeal to kids' tribal instincts   | Use of totems, signs, secret languages, and symbols   |
| <b>Sociocultural</b>                  | Gangs form because of destructive sociocultural forces in disorganized inner-city areas  | Concentration of gangs in inner-city areas  |
| <b>Anomie/Alienation</b>              | Alienated kids join gangs; anomic social and economic conditions encourage gang activity | Upswing in gang activities after market force creates anomic situations<br>Gang activity increases with globalization |
| <b>Family tradition/<br/>Learning</b> | Parents encourage children to follow them into the gang                                  | Presence of fathers, sons, and brothers in the same gang  |
| <b>Psychological</b>                  | Kids with personality problems form gangs and become leaders                             | Antisocial, destructive behavior patterns<br>Increase in violence   |
| <b>Rational choice</b>                | Kids join gangs for protection, fun, survival, and to enhance their lifestyle            | Presence of party gangs, gang members Protect one another   |

lawyer, or police officer identifies with his profession and gains self-worth from his professional calling and successes, self-esteem for many who choose to join a gang becomes dependent on their thug exploits.

These views of why youths join gangs are summarized in Exhibit 9.3.

### Leaving the Gang

While there is much speculation on why kids join gangs, we know less about why they leave. And most do leave in a relatively short time. Despite popular sayings such as “Blood in, Blood out,” most gang boys and girls remain in the gang for one year or less.

There seem to be two distinct patterns of gang desistance. Some gang members suddenly leave the gang.<sup>183</sup> One reason for the abrupt termination of gang activity may be exposure to the violence long associated with ganging. The more kids are bound to their gang, the more likely they will become a crime victim.

The second pattern is a slow, gradual departure from gang membership precipitated by an ongoing change in lifestyle. These members leave the gang because they get married and begin spending more time with family and work than with the gang. Rather than an abrupt departure, desistance may be part of a slow maturation process in which the gang member turns emotionally from the gang toward conventional activity. For girls, motherhood and family may be the impetus for leaving the gang.<sup>184</sup>

Regardless of the method of departure, leaving the gang reduces involvement in crime and delinquency and violence and victimization. Not all members can leave; some are too enmeshed in the gang. But those who do significantly reduce their victimization risk.<sup>185</sup>

#### LO10

Summarize the various forms of gang-control efforts in use today

### Controlling Gang Activity

The presence of gangs instills fear in community residents, and fear of gang intimidation, vandalism, graffiti, and drugs is very great in the most gang-infested communities. One study in Orange County, California, found that, not surprisingly, fear of crime and gangs was an “immediate” daily experience for people who lived in

lower-income neighborhoods where gangs were most common. But there was also a spillover effect: fear of gangs and gang violence was present even if gangs were not an immediate danger or fixture in the neighborhood.<sup>186</sup> In the most gang-ridden areas, intimidation of other youths, adults, and business owners is not uncommon, and intimidation of witnesses or potential witnesses is particularly serious because it undermines justice.

Because gangs are now a national threat, there has been a concerted effort to control gang activity. The federal government has formed a National Gang Intelligence Center to acquire information on gangs and coordinate prevention efforts. Several approaches have been tried, some involving efforts to control or deter gang activity through tough legal sanctions backed by effective law enforcement. Another approach involves social service efforts designed to provide alternatives to gang membership. Both methods will be discussed in the next sections.

## Legal Controls

Several states have created laws specifically designed to control gang activity. One approach has been to create enhanced penalties for behaviors typically associated with gang members. Take, for example, drive-by shootings, a form of retaliation popular with gangs. Several states have passed legislation increasing penalties for such behavior and adding sanctions to control its reoccurrence (e.g., the driver loses his license).

Other jurisdictions have made it a crime to recruit gang members, engage in organized gang activity, and loiter to carry out gang business. Some cities have passed anti-graffiti measures to curb the proliferation of written gang messages and threats. The city of Denver, Colorado, prohibits minors from possessing

- **Broad-tipped marker pen:** a felt-tip marker or similar implement containing a fluid that is not water soluble with a tip that exceeds one-quarter ( $\frac{1}{4}$ ) inch in width.
- **Glass etching tool or instrument:** any device or product used for engraving or creating a frosted effect on any surface or delivering a solution to any surface to create an image, or any container of such solution, including, but not limited to, glass etching creams or solutions.
- **Paint pen:** a tube, marker, or other pen-like instrument with a tip of one-quarter ( $\frac{1}{4}$ ) inch in diameter or less that contains paint or a similar fluid and an internal paint agitator.
- **Spray paint:** any aerosol container made or adapted for applying paint or other substance capable of defacing property.
- **Spray paint nozzle:** a nozzle designed to deliver a spray of paint of a particular width or flow from a can of spray paint.<sup>187</sup>

**Legal Injunctions** A civil gang injunction (CGI) is a preliminary or permanent court order issued in a civil case against a criminal street gang and its members to enjoin (prohibit) certain behavior within a defined safety zone. Prohibitions may include associating together in public or violating trespass and curfew laws. The goal is to abate a public nuisance caused by the conduct and activities of a gang. A public nuisance is an unreasonable interference with the comfortable enjoyment of life and property that affects an entire community. CGIs are most effective against a multigenerational turf-based criminal street gang with deep roots that openly commits criminal and nuisance activity in its own turf.<sup>188</sup>

The injunctions seek to disrupt gang activity before it can escalate into violence. Some jurisdictions, such as Fort Worth and San Francisco, have filed lawsuits against gangs and gang members, asking courts for injunctions to bar them from hanging out together on street corners, in cars, or in particular areas. The injunctions can prohibit

gang members from associating with each other, carrying weapons, possessing drugs, committing crimes, and displaying gang symbols in a safety zone—neighborhoods where suspected gang members live and are most active. Some injunctions set curfews for members and ban them from possessing alcohol in public areas, even if they’re of legal drinking age. Those who disobey the order face a misdemeanor charge and up to a year in jail. In some cases, such injunctions don’t allow gang members to talk to people passing in cars or carry spray paint.<sup>189</sup> Some libertarian organizations consider these restrictions as overreaching and violating civil rights.

If successful, these injunctions give police legal reasons to stop and question gang members, who often have drugs or weapons. When a CGI is issued, gang members with a history of committing felonies involving guns, narcotics, and intimidation abruptly quit associating in public with other gang members. Moreover, they obey the other provisions of the CGI, a violation of which is a misdemeanor. The results of a CGI project are reduced criminal and nuisance gang activity and a better quality of life for the people who live and work in the neighborhood.<sup>190</sup>

## Law Enforcement Efforts

As gangs have spread from the central city to ring the city, suburban, and even rural areas, police departments have responded by creating specialized gang-control units. Research shows that if gang members fear apprehension and punishment, they will be as likely to be deterred as any other offender, hence police efforts to increase deterrence levels.<sup>191</sup> Police, knowing this outcome, may be more likely to arrest known gang members than other misbehaving youth.<sup>192</sup>

Gang control takes three basic forms:

- *Youth services programs*, in which traditional police personnel, usually from the youth unit, are given responsibility for gang control
- *Gang details*, in which one or more police officers, usually from youth or detective units, are assigned exclusively to gang-control work
- *Gang units*, established solely to deal with gang problems, to which one or more officers are assigned exclusively to gang-control work

Today, about one in four law enforcement agencies with a gang problem operate a gang unit, including more than half of larger cities. According to the National Gang Center, across all area types, agencies with long-standing gang problems and/or higher numbers of documented gang members are more likely to report operating a gang unit. Some programs rely on intelligence gathering, aggressive enforcement, and “gang-breaking” activities. They attempt to arrest, prosecute, convict, and incarcerate gang leaders. The Chicago Police Department’s gang crime section maintains intelligence on gang problems and trains officers to deal with them. Officers identify street gang members and enter their names in a database that alerts the unit if the youths are picked up or arrested.

Gang units also engage in **gang sweeps**, a method of enforcement in which police, armed with arrest and search warrants, enter a neighborhood in force to make as many arrests as possible. Each department has its own method of sweeping up known gang members. Some departments have a prevention section within the gang crimes bureau. They integrate gang prevention and intervention efforts with policing to strengthen the department’s existing program efforts. The prevention section specializes in developing gang prevention programs in coordination with other community and law enforcement partners and coalitions.<sup>193</sup>

**Technological Enforcement** Gangs are now exploiting technology to shield their activities from law enforcement efforts. They seek the anonymity of instant messaging and aliases on social media. Gang members are using video messaging applications to communicate that are difficult for law enforcement to monitor.

### gang sweep

A method of enforcement in which police, armed with arrest and search warrants, enter a neighborhood in force in an operation to make as many arrests as possible.



They transmit via the internet and leave no record of transmission on the device to be seized in police raids.<sup>194</sup>

Net-based technology is now frequently used in police anti-gang efforts to counteract gangs' technological concealment. Most police agencies today maintain databases that allow sharing of gang intelligence and gang-related crime statistics with law enforcement agencies in other jurisdictions. A growing number of law enforcement agencies are incorporating social media into their gang investigations to identify gang members and monitor their criminal activity.

**Police Intervention Strategies** Other departments take a more treatment-oriented intervention approach. A small detail of gang-unit officers is assigned to conduct neighborhood sweeps in high-crime and gang neighborhoods to take the juveniles off the street who are at the highest risk of gang membership, gang violence, or gang victimization. Juveniles are arrested for violating the curfew ordinance and transported to a rehabilitative program center known as Akron, Ohio. Here the juveniles receive counseling and are advised to stay out of street gangs. Parents or guardians are notified to pick up their children. Upon arrival at the program site, they are given educational materials designed to help them prevent their kids from becoming involved in gangs. Gang-unit officers make a follow-up call to the parents or guardians of the suspected gang members to reinforce further the educational materials provided at Oriana House. Target sites are determined by locating gang parties, suspected gang fight locations, and known drug-trafficking spots used by gang members to "post up" and sell drugs.

**Community-Policing Strategies** Some communities use community-policing strategies to combat gang activity, in which police officers are assigned to keep the peace in local neighborhoods. (Community policing will be discussed in more detail in Chapters 12 and 14.) Boston's Youth Violence Strike Force (YVSF) is one of the primary enforcement strategies that Boston is pursuing to combat youth gang violence. The YVSF is a multiagency coordinated task force made up of 45 to 50 full-time Boston police officers and others from Massachusetts State Police, the Department of Treasury's Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), police departments from neighboring jurisdictions, Massachusetts Corrections, Probation, Parole, and Division of Youth Service (juvenile corrections) officers, and other agencies as appropriate. It works closely with the offices of Suffolk County District Attorney and state attorney general. It participates in the Department of Justice's Anti-Violent Crime Initiative (AVCI), led locally by the U.S. attorney. The YVSF investigates youth crimes, arrests those responsible, and breaks up the environment for crime. Drug dens have been closed through joint federal-state-local cooperation. Some former drug houses have been renovated to provide low-income elderly housing.

Another program, Operation Night Light, puts the YVSF together with concerned clergy members, youth outreach workers, and social service professionals to prevent youth and gang violence of probationers by regularly visiting their homes. Operation Night Light pairs one probation officer with two police officers. They make surprise visits to high-risk youth probationers' homes, schools, and worksites during the nontraditional hours of 7:00 PM to midnight.

Another gang reduction program begun in Boston is Operation Ceasefire. This problem-oriented policing approach focuses police attention on specific places known for gang activity and gun violence.

## Community-Level Programs

During the late nineteenth century, social workers of the YMCA worked with youths in Chicago gangs.<sup>195</sup> During the 1950s, the **detached street worker** program was developed in major centers of gang activity. Social workers went into the community to work with gangs on their own turf. They participated in gang activities and tried

### detached street workers

Social workers who go out into the community and establish close relationships with juvenile gangs with the goal of modifying gang behavior to conform to conventional behaviors and help gang members get jobs and educational opportunities.

to get to know their members. The purpose was to act as youths' advocates, provide them with positive role models, and treat individual problems.

Detached street worker programs are sometimes credited with curbing gang activities in the 1950s and 1960s, although some critics claimed that they turned delinquent groups into legitimate neighborhood organizations.<sup>196</sup> Others believe they helped maintain group solidarity, and as a result, new members were drawn to gangs.

Today, numerous community-level programs are designed to limit gang activity. Some employ recreation areas open in the evening hours that provide supervised activities.<sup>197</sup> In some areas, citywide coordinating groups help orient gang-control efforts. In Los Angeles County, the Gang Alternative Prevention Program (GAPP) provides juveniles services before they become entrenched in gangs. Services include individual and group counseling, bicultural and bilingual services to adolescents and their parents, and special programs such as tutoring, parent training, job development, and recreational and educational experiences.<sup>198</sup> Some police departments also sponsor prevention programs such as school-based lectures, police-school liaisons, recreation programs, and street worker programs that offer counseling, assistance to parents, and other services. The Stockton, California, police department sponsors a gang intervention called Operation Peacekeeper.<sup>199</sup> It puts outreach workers, former gang members themselves, on the street to support kids who want to leave gangs. The program includes monthly forums where known gang members are offered information about available programs and a warning that they are being watched. Operation Peacekeeper has been credited with a drop in gang-related homicides and has been praised because outreach workers can form bonds with youths unavailable to uniformed officers.

Still another approach has been to involve schools in gang-control programs. Some invite law enforcement agents to lecture students on the dangers of gang involvement and teach them gang-resistance techniques. Others provide resources that can help parents prevent their children from joining gangs or get them out if they are already members.

**The Spergel Model** Sociologist Irving Spergel, a leading expert on gangs, has developed a model for helping communities deal with gang-involved youth, becoming the basis for gang-control efforts nationwide. Spergel's model of gang prevention has been adopted by the Office of Juvenile Justice and Delinquency Prevention as a model called the Gang Reduction Program. The multimillion-dollar initiative was designed to reduce gang crime in targeted neighborhoods by incorporating research-based interventions to address individual, family, and community factors contributing to juvenile delinquency and gang activity. The program secured local, state, and federal resources in support of community partnerships that implement progressive practices in preventing, intervening, and suppressing gang activity.<sup>200</sup> The measures used in these programs have been carefully tested and appear to be valid and effective methods of gang control.

## Evaluating Gang-Control Efforts

Because gang activity is so pervasive and sustained in some areas, police agencies view these gangs as organized criminal enterprises and deal with them as traditional organized crime families. The aim is to (a) develop informants through criminal prosecutions, payments, and witness protection programs; (b) rely heavily on electronic surveillance and long-term undercover investigations; and (c) use special statutes that create criminal liabilities for conspiracy, extortion, or engaging in criminal enterprises.<sup>201</sup>

While aggressive police tactics such as these may work, they also run the risk of becoming overzealous and alienating the community. Take, for instance,

# Treating Delinquency

## Newport News STEP Program

One way for businesses to work toward building stronger communities in gang-impacted areas is to provide employment experiences for youth who are at risk for gang involvement or for those who are members of a gang. Productive opportunities and access to work are among the best ways youth can realize their aspirations, use their potential, positively participate in society, and lead productive lives.

A recommended strategy in youth gang prevention and intervention initiatives is to help these youth gain practical and marketable skills through a comprehensive job-training program. These programs are commonly connected with intensive support services such as one-on-one mentoring, mental health counseling, anger management, substance abuse treatment, and other services that build job readiness skills. The ultimate goal of all these interventions is for youth to be adequately prepared for entry-level employment or internships in today's job market.

Virginia's Newport News Youth and Gang Violence Initiative's Summer Training and Enrichment Program (STEP) is an exemplary job-training program. This 10-week program serves young people between the ages of 16 and 24 and provides paid work-training experience, enrichment activities, workshops, financial literacy training, and GED preparation classes. The program is designed to prepare youth for their futures by exposing them to various employment and career options. Young people learn valuable skills such as résumé preparation, job interview techniques, time management, financial management, professional work behavior, and networking. In addition to training, participants are allowed to engage in field trips to various businesses and organizations to gain direct exposure to the business community.

Following an employment prescreening process, these youth are matched with employers, and all receive support and follow-up every step. Youth outreach workers and

job-training staff members monitor the youths' progress at their work sites and engage in ongoing communications with employers to ensure a positive experience for both youth and employers. The tremendous value of the partnership between job-training programs and business communities cannot be underestimated.

STEP participants are partnered with a worksite 25 to 30 hours a week to prepare them for the workforce. Through partnerships with city departments, nonprofit organizations, and for-profit businesses, the participants are given a hands-on work experience at their site placements and enrichment activities to expose them to different career options. Each participant in the program receives a biweekly stipend.

The program is considered highly successful. One youth living in a condemned house with her mother when she started STEP went on to secure a stable housing situation. Another participant went from believing that the world was against her and that no one was on her side to working well at her site and having faith in society.

Another success story is of two program participants known for always associating with the wrong crowd. Late one night, as their group was preparing to leave, the two STEP participants stated, "We're not going out tonight—we have to get up early for work tomorrow." STEP and the relationship with the employer imparted a sense of responsibility and led them to make better decisions. Participants reported that the program had kept them off the streets, provided an opportunity to gain good work experience, assisted them financially, and offered them an opportunity to make a difference.

### Critical Thinking

Do you think that the STEP program can be effective?

SOURCE: Newport News Youth and Gang Violence Prevention, [https://www.pilotonline.com/inside-business/article\\_29761154-19b2-554b-af0a-327646e85fab.html](https://www.pilotonline.com/inside-business/article_29761154-19b2-554b-af0a-327646e85fab.html)

Los Angeles's anti-gang unit, Community Resources Against Street Hoodlums (CRASH), which contained 200 sworn officers at its peak. The unit conducted aggressive anti-gang actions, including Operation Hammer, which involved the unit moving through some of the city's toughest neighborhoods and arresting gang members for the slightest infractions, including wearing colors, flashing signs, jaywalking, and curfew violations. By making 25,000 arrests per year, the unit significantly reduced gang activity. But problems began to emerge. Unit members developed a warlike mentality, and CRASH officers began resisting supervision and flagrantly ignoring policies and procedures. This subculture eventually led

to the Rampart Scandal, in which Rampart CRASH unit officers in Los Angeles were found to be engaging in hard-core criminal activity. Officers admitted to attacking known gang members and falsely accusing them of crimes they had not committed. Consequently, the LAPD's gang unit was shut down about 10 years after it had been fully staffed and promoted as the ideal in anti-gang enforcement. Corruption, the use of excessive force, and civil rights violations led to the shut-down. The city paid about \$70 million to settle lawsuits related to the scandal.<sup>202</sup> The Rampart Scandal serves as a cautionary tale for police departments attempting to control gang activity, but the threat of racial profiling in gang-control efforts still remains an issue. Recent research shows that police are still more likely to target African American gang boys for arrest than members of other racial and ethnic groups.<sup>203</sup>

Ironically, these heavy-handed suppression tactics can increase gang cohesion while failing to reduce violence and keep kids in gangs who would have quit if left to their own devices. In Chicago, a cycle of police suppression and incarceration combined to *sustain* unacceptably high levels of gang violence. Results from Dallas, Detroit, and St. Louis show no evidence of a positive impact on target neighborhoods. Most young people who enter gangs will leave the gang within a year. But law enforcement practices can target former gang members long after their active participation in the gang has ended and may dissuade employers from offering jobs to former gang members or youth who merely look like gang members.

Because gangs represent only a small part of the crime rate, aggressive suppression tactics simply make the situation worse by alienating local residents and trapping youth in the criminal justice system. Often, minority youth are the target of anti-gang efforts, and their suppression gives people the impression that police are targeting minority kids.

In contrast to suppression tactics, cities that adopted treatment alternatives fared far better. New York City did not embrace the aggressive tactics Los Angeles used, even when gang crime was rising; the city has consequently experienced far less gang violence. When gang violence became a serious problem, the city established a system of well-trained street workers and gang intervention programs grounded in effective social work practices and independent of law enforcement. Gang experts conclude that the city's serious problem with street gang violence had largely faded by the 1980s.

**The Problems of Reform** Social and economical solutions seem equally challenging. Experts suggest that hundreds of thousands of high-paying jobs are needed to reduce the gang problem. This solution does not, however, seem practical. Many of the jobs for which undereducated gang boys can qualify are now being shipped overseas. Highly paid manufacturing jobs are particularly hard to obtain. It is unlikely that a boy who has five years as a Crip on his résumé will be in demand for legitimate work opportunities. The more embedded youths become in a criminal enterprise, the less likely they are to find meaningful adult work. It is unlikely that gang members can suddenly transform into highly paid professionals. As discussed in the Treating Delinquency feature, programs such as Cure Violence can be successful community-based gang-control programs.

Although social solutions to the gang problem seem elusive, the evidence shows that gang involvement is a socioecological phenomenon and must be treated as such. Youths who live in areas where their needs cannot be met by existing institutions join gangs when gang members are there to recruit them.<sup>204</sup> Social causes demand social solutions. Programs that enhance the lives of adolescents are the key to reducing gang delinquency. Another method is to devote more resources to the most deteriorated urban areas, even if it requires pulling funds from other groups that receive government aid, such as the elderly.<sup>205</sup>



# Treating Delinquency

## Cure Violence

The Cure Violence (formerly Cease Fire) program has proven to be an effective broad community approach to preventing and reducing gang violence. Undergirded by the public health model, the program approaches violence as an infectious disease. The program tries to interrupt the next event, the next transmission, and the next violent activity. Cure Violence targets a small population: community members with a high chance of “being shot or being shooters” soon. This model prevents violence through a three-pronged approach:

- *Detection and interruption.* Cure Violence is a data-driven model. Statistical information and street knowledge help identify where to concentrate efforts, focus resources, and intervene in violence. These data identify communities most impacted and provide a picture of those individuals at the highest risk for violence.
- *Behavior change.* Cure Violence intervenes in crises, mediates disputes between individuals, and intercedes in group disputes to prevent violent events. Outreach workers counsel clients and connect them with services. Violence interrupters engage members of the target population on the street, mediating conflicts between gangs and working to prevent retaliatory violence from starting after a violent incident. The core training for employees is related directly to work and focuses on conflict mediation and response.
- *Changing community norms.* Cure Violence works to change the thinking on violence at the community level and for society at large through public education, community-building activities, and motivational interviewing with the highest risk. For disproportionately impacted communities, violence has come to be accepted as an appropriate—even expected—way to solve the conflict. At the street level, Cure Violence provides tools for those most likely to be involved in altercations to resolve conflicts in other ways.

### How are these goals achieved

Prevent shootings and conflicts. Trained violence interrupters and outreach workers prevent shootings by identifying and mediating potentially lethal conflicts in the community and following up to ensure that the conflict does not reignite.

- **Prevent Retaliations.** Whenever a shooting happens, trained workers immediately work in the community and at the hospital to cool down emotions and prevent retaliations. They work with the victims, friends and family of the victim, and anyone else who is connected with the event.

- **Mediate Ongoing Conflicts.** Workers identify ongoing conflicts by talking to key community members about ongoing disputes, recent arrests, recent prison releases, and other situations and use mediation techniques to resolve them peacefully.
- **Keep Conflicts “Cool.”** Workers follow up with conflicts for as long as needed, sometimes for months, to ensure that the conflict does not become violent.

### Evaluations of Cure Violence

Multisite evaluations reveal significant changes in gang homicide patterns (e.g., decreases in gang involvement in homicides and fewer retaliatory killings); these could be attributed to the program. Still, no individual site improved on all outcome measures.

The evaluation of Baltimore’s Safe Streets program is the first rigorous evaluation of a replication of Cure Violence. Safe Streets outreach workers mediated 276 incidents. Safe Streets was fully implemented in four of Baltimore’s most violent neighborhoods, engaging hundreds of high-risk youths and mediating more than 200 disputes that could lead to a shooting. An evaluation showed statistically significant reductions in all four program sites, with reductions in killings of up to 56% and in shootings of up to 44%, as well as strong evidence of norm change—rejecting the use of violence—in the program community. Reductions spread to surrounding communities. Norms on violence changed: people on the program site were much less likely to accept the use of a gun to settle a dispute and four times more likely to show little or no support for gun use.

Another evaluation conducted in Chicago showed statistically significant results across all seven communities studied: reductions in shootings and killings of 41% to 73%, reductions in shooting hot spots of up to 40%, and the elimination of retaliation killings in five communities.

### Critical Thinking

Cure Violence works to change the culture of violence at the community level through public education, community-building activities, motivational interviewing, and more. Do you believe an external force, such as a treatment program, can change a street culture that has developed over many years? What else might be done to reduce violence at the community level?

SOURCES: <https://www.nwjjf.org/en/how-we-work/grants-explorer/featured-programs/cure-violence.html> National Gang Center, Cure Violence, <http://www.nationalgangcenter.gov/SPT/Programs/139>; Cure Violence, <http://cureviolence.org/>. (URLs accessed Jan 2022).

The national report of the Justice Policy Institute suggests the following changes be implemented:

- **Expand the use of evidence-based practices to reduce youth crime.** Instead of devoting more resources to the already heavily funded and ineffective gang enforcement tactics, policy makers should expand the use of evidence-based interventions that are scientifically proven to reduce juvenile recidivism.
- **Promote jobs, education, healthy communities, and lower barriers to the reintegration into society of former gang members.** Gang researchers observe that employment and family formation help draw youth away from gangs. Creating positive opportunities through which gang members can leave their past, instead of ineffective policies that lock people into gangs or strengthen their attachments, can help improve public safety.
- **Redirect resources from failed gang enforcement efforts to proven public safety strategies.** Gang injunctions, gang sweeps, and various ineffective enforcement initiatives reinforce negative images of whole communities and counter best practices in youth development. The Justice Policy Institute suggests that, instead, localities should end practices that can make the youth violence problem worse and refocus funds on effective public safety strategies.<sup>206</sup>

## Summary

### **LO1** Give examples of the influence of peers on delinquency

- In adolescence, friends have a greater influence over decision making than parents.
- In mid-adolescence, kids strive for peer approval and to impress their closest friends.
- Acceptance by peers has a major impact on socialization.
- Peer status during childhood is an important contributor to a child's social and emotional development that follows them across the life course.
- Youths who report inadequate or strained peer relations are most likely to become delinquent.

### **LO2** Outline how romantic love influences delinquency

- Delinquent youth report frequent contact with their romantic partners.
- Delinquent youth also fight more with their partners and report higher levels of verbal conflict.
- Adolescent sexual activity without the promise of love increases the likelihood of offending because it is associated with strain created by loveless relationships.
- Romantic love has a deterrent effect that actually encourages youth who have offended to decrease their involvement in crime.

### **LO3** Analyze the various definitions used to describe gangs

- Gangs are groups of youths who engage in delinquent behaviors.
- Gangs are an interstitial group falling within society's cracks and crevices.
- Members self-recognize their gang status and use special vocabulary, clothing, signs, colors, graffiti, and names.
- There is a commitment to criminal activity, although even the most criminal gang members spend most of their time in noncriminal activities.

### **LO4** Discuss the history of gangs

- In the 1600s, London was terrorized by organized gangs that called themselves Hectors, Bugles, Dead Boys, and other colorful names.
- In the 1920s, Frederick Thrasher initiated the study of the modern gang in his analysis of more than 1,300 youth groups in Chicago.
- According to Thrasher, gangs form because society does not meet the needs of lower-class youths.
- In the 1950s and early 1960s, the threat of gangs and gang violence swept the public consciousness.
- Interest in gang activity began anew in the early 1970s.
- One reason for the increase in gang activity may be involvement in selling illegal drugs.

**LO5 Identify the extent and location of the gang problem**

- At a recent count, an estimated 850,000 gang members were active in the United States.
- Traditionally, gangs have operated in large urban areas experiencing rapid population change.
- While some think of gangs as a purely urban phenomenon, thousands of gangs are located in small cities, suburban counties, and even rural areas.
- Because of redevelopment, gangs in some areas have relocated or migrated; gang members have organized new chapters when they relocate to new areas.

**LO6 Characterize the globalization of gangs**

- Changing social and economic conditions in our post-globalization world support the spread of gang activity.
- One reason is that our global society has increased the percentage of people living in extreme poverty in some areas of the world.
- Globalization creates a class that benefits from expanding markets and a group of very poor who can be recruited by gangs.
- Globalization means that information and weapons are readily available anywhere in the world.
- Numerous gangs operate in distressed areas such as the townships of South Africa, where they rule politically and control the underground economy.
- Gangs are now being exported from one nation to another.
- The state has retreated from providing social welfare and an economic safety net in the global era. Gangs and other groups of armed young men occupy the vacuum created by the retreat of the social welfare policies of the state.

**LO7 List the various forms contemporary gangs take**

- There are different types of gangs, including the social, party, serious, and organized gangs.
- Gangs are near-groups with limited cohesion, impermanence, minimal consensus of norms, shifting membership, disturbed leadership, and limited definitions of membership expectations.

**LO8 Describe female gangs and gang members**

- There are various reasons why girls join gangs, including but not limited to financial opportunity,

identity and status, peer pressure, family dysfunction, and protection.

- Ganging can give girls a sense of sisterhood, independence, solidarity, and a chance to earn profit through illegal activities.
- Once in gangs, girls form close ties with other female members and engage in group criminal activity.
- Female gang members drift away from gangs when they become young mothers.

**LO9 Compare the various theories of why kids join gangs**

- The anthropological view is that gangs appeal to adolescents' longing for the tribal process that sustained their ancestors. Hand signs and graffiti have a tribal flavor.
- Sociologists have commonly viewed the destructive sociocultural forces in poor inner-city areas as the major cause of gang formation.
- Some believe that gangs provide an outlet for disturbed youths who suffer many personal problems and deficits.
- Some youths may make a rational choice to join a gang.
- Some youths join gangs simply to have fun.

**LO10 Summarize the various forms of gang-control efforts in use today**

- Several states have created laws specifically designed to control gang activity.
- One approach has been to create enhanced penalties for behaviors typically associated with gang members.
- Some jurisdictions have filed lawsuits against gangs and gang members, asking courts for injunctions barring them from hanging out together on street corners, in cars, or in particular areas.
- Today, about one in four law enforcement agencies with a gang problem operates a gang unit, including more than half of larger cities.
- Gang sweeps are a method of enforcement in which police, armed with arrest and search warrants, enter a neighborhood in an operation to make as many arrests as possible.
- Another approach is to provide jobs, counseling, education, and social opportunities for former gang members.

## Key Terms

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|                                   |                        |                                 |
|-----------------------------------|------------------------|---------------------------------|
| cliques, p. 331                   | barrio, p. 341         | prestige crimes, p. 358         |
| crowds, p. 331                    | near-groups, p. 343    | gang sweep, p. 364              |
| deviancy training, p. 334         | <i>klikas</i> , p. 347 | detached street workers, p. 365 |
| gang, p. 337                      | graffiti, p. 348       |                                 |
| interstitial group, p. 337        | posting, p. 349        |                                 |
| transitional neighborhood, p. 341 | representing, p. 349   |                                 |
| disorganized neighborhood, p. 341 | skinhead, p. 354       |                                 |

## Questions for Discussion

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1. Does the emergence of hybrid gangs indicate that a juvenile gang is a form of organized crime?
2. What are the differences between violent, criminal, and drug-oriented gangs?
3. How do gangs in suburban areas differ from inner-city gangs?
4. Do delinquents have cold and brittle relationships with their peers?
5. Can gangs be controlled without changing the economic opportunity structure of society? Are there any significant alternatives to gangs today for lower-class youths?
6. Can you think of societal rituals that reflect an affinity or longing for more tribal times? (Hint: Have you ever pledged a fraternity or sorority, attended a wedding, or attended a football game?) Do TV shows like *Survivor* show a longing for more tribal times? After all, they even use tribal names for the competing teams.

## Viewpoint

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As a sitting juvenile court judge, you know that gang violence has become a way of life for residents living in local public housing projects. The Bloods sell crack, and the Wolfpack controls the drug market. When the rivalry between the two gangs exploded, 16-year-old Malik Johnson, a Wolfpack member, shot and killed a member of the Bloods; in retaliation, the Bloods put out a contract on his life. While in hiding, Malik was confronted by two undercover detectives who recognized the young fugitive. Fearing for his life, Malik pulled a pistol and began firing, fatally wounding one of the officers.

Malik's story is not dissimilar from that of many other children raised in tough housing projects. With an absent father and a single mother who could not control her five sons, Malik lived in a world of drugs, gangs, and shoot-outs long before he was old enough to vote. By age 13, Malik had been involved in the gang-beating death of a homeless man in a dispute over \$10, for which he was given a one-year sentence at a youth detention center and released after six months. Now charged with a crime that could be considered first-degree murder if committed by an adult, Malik could be sentenced to life in prison or even face the death penalty if tried as an adult.

Malik seems like a lost soul. He claims he thought the police officers were killers out to collect the bounty put on his life by the Bloods. He says that killing the rival gang boy

was an act of self-defense. It turns out that the victim was, in fact, a known gang assassin with numerous criminal convictions. Malik's mother begs for leniency, arguing that her son is only 16 years old, has had a very difficult childhood, and is a victim of society's indifference to the poor.

Should Malik be treated as a juvenile rather than as adult, as state law allows? Would a prolonged stay in a youth facility help this troubled young man, or should he be transferred to the adult justice system and face a long sentence in a secure prison? In other words, does a 16-year-old like Malik deserve a second chance? And what about gangs themselves? How would you deal with them?

- Would you recommend that police employ anti-gang units that use tactics developed in the fight against organized crime families?
- Would you recommend redeveloping deteriorated neighborhoods where gangs flourish?
- Would you try to educate kids about the dangers of gang membership?
- Would you recommend a treatment protocol to help gang members?
- Would you tell the director that gangs have always existed and there is probably not much the government can do to reduce their numbers?



# Doing Research on the Web

The National Gang Center (NGC) is a collaborative effort between the Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) and the Office of Juvenile Justice

and Delinquency Prevention (OJJDP). For more information about this topic, visit their website at <http://www.nationalgangcenter.gov>

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# 10

# Schools and Delinquency

## Learning Objectives

- 1 Discuss the role the educational experience plays in human development over the life course
- 2 Identify the problems facing the educational system in the United States
- 3 Give examples of the hazards faced by children if they are dropouts
- 4 Express the association between school failure and delinquency
- 5 Examine the personal and social factors that have been related to school failure
- 6 Be able to calculate the extent of school crime
- 7 List the factors that contribute to delinquency in schools
- 8 Evaluate the efforts school systems are making to reduce crime on campus
- 9 Explain what is being done to improve school climate and increase educational standards
- 10 Summarize the legal rights of students

## Chapter Outline

### The School in Modern American Society

Socialization and Status

### Educational Problems and Issues

Educational Achievement  
School Discipline  
Dropping Out

### Academic Performance and Delinquency

The Association between School Failure and Delinquency  
Correlates of School Failure

### Improving Academic Performance: Pre-School Programs

Perry Preschool  
Child-Parent Center (CPC)

### Delinquency in the School

Extent of School Crime  
Who Are the Victims of School Crime?  
School Shootings  
School Yard Bullying  
The Causes of School Crime  
Reducing School Crime

### The Role of the School in Delinquency Prevention

### Legal Rights in the School

The Right to Personal Privacy  
Free Speech  
School Prayer  
School Discipline

## Chapter Features

**Focus on Delinquency:** The Unequal Application of School Disciplinary Measures

**Treating Delinquency:** Head Start

**International Delinquency:** Preventing School Yard Bullying

**Treating Delinquency:** Recovery High Schools (RHSs)

**Focus on Delinquency:** Free Speech in Cyberspace

**Marie lives in the East Harlem** section of New York City with her mother and three siblings. Her father is not involved with the family, so they struggled to make ends meet, especially during the Covid epidemic. The family relies on Marie's grandmother for some financial support and to aid in the care of her younger siblings.

From an early age, Marie had problems in school, both behaviorally and academically. Significantly behind her grade level in reading, regularly challenging her teachers and other adults, and disrupting class, Marie was at great risk of dropping out of school and becoming involved in illegal behavior. A group of older troubled teens Marie considered her closest friends were constantly involved in misbehavior, causing more problems for Marie because she wanted to be considered a loyal group member. She seemed confident and happy in athletics, where she excelled in organized sports and individual events such as track and field.

When her school started a mandatory after-school program, Marie began attending Drum Power. This youth leadership program allows young people to learn the techniques and cultural/historical significance of traditional, Afro-Cuban, and Afro-Brazilian drumming. The program's underlying goal is to build self-esteem and self-confidence by discovering the rewards of discipline, teamwork, creativity, responsibility, and self-respect. Being of Cuban descent, Marie was drawn to both the power of drums and drumming rhythms. Learning traditional hand drumming requires discipline, commitment, and practice, and students learn that they can achieve their goals by employing their own positive energy and self-determination.

Marie thrived in the program. Although she still posed many challenges to school staff and was at risk due to her living and community environment, she showed great interest, motivation, and success in the Drum Power program. She loved the drums and music



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and connected with her youth counselors running the program. Because Drum Power was based at the school, the program counselors could communicate daily with Marie's teachers and the school staff regarding her progress, and they were able to discuss any ongoing concerns. This process provided immediate resolution to problems and ongoing accountability for Marie. The program counselors also remained in close contact with her mother.

Participating in Drum Power for several years allowed Marie to establish excellent relationships with her program counselors, who, in turn, provided great encouragement to Marie, positively impacting her decisions and choices. Drumming was good for Marie, and her interest in music grew, but her relationships with the program counselors made the most difference for her. She started to understand how her behavior and bad choices affected her life. Marie learned the importance of self-control and setting priorities for herself daily. Seeing what a difference these things made for her, she could also begin to have a more positive vision for her life. Marie's mother became more involved with the school and also became involved with the Drum Power professionals when requested. Do you believe that school based treatment programs can help troubled youth or is the happy ending to Marie's story unique and unusual? Should after school programs become a routine part of a student's curriculum?

**M**arie's story underlines how the school experience can significantly impact a child's emotional well-being and future achievement. Some research suggests that its effect may be even greater than the home environment.<sup>1</sup> Because an adolescent spends so much time in school, it would seem logical that some relationship exists between delinquent behavior and what is happening—or not happening—in classrooms. Yet, while the school experience is so important, scandals have rocked the nation's educational system in recent years. Problems range from school shootings to educational failures, from school closings during the COVID epidemic to the embarrassing revelation that teachers are having sexual affairs with underage minors and, as a result, facing lengthy prison terms.

Numerous studies have confirmed that delinquency is related to academic success: students who have trouble in school in adolescence will later become delinquents when they are teens.<sup>2</sup> Experts conclude that many underlying delinquency problems, and their prevention and control, are intimately connected with the nature and quality of the school experience. A positive educational experience solidifies legal and cultural norms, while a negative one may encourage adolescents to disregard normative behaviors and beliefs.<sup>3</sup>

In this chapter, we first explore how educational achievement and delinquency are related and what factors in the school experience contribute to delinquent behavior. Next, we turn to delinquency in the school setting—vandalism, theft, violence, and so on. Finally, we look at the attempts made by schools to prevent delinquency.

## LO1

Discuss the role the educational experience plays in human development over the life course

## The School in Modern American Society

The school plays a significant role in shaping the values of children. In contrast to earlier periods, when formal education was a privilege of the upper classes, the U.S. compulsory public education system has made schooling a legal obligation. Today, more than 90% of school-age children attend school, compared with only 7% in 1890.

In contrast to the earlier agrarian days of U.S. history, when most adolescents shared in the family's work, today's young people spend most of their time in school. The school has become the primary instrument of socialization, the "basic conduit through which the community and adult influences enter the lives of adolescents."<sup>4</sup>

Because young people spend a longer time in school, their adolescence is prolonged. As long as students are still dependent on their families and have not entered the work world, they are not considered adults. The responsibilities of adulthood come later to modern-day youths than earlier generations. Some experts see this prolonged childhood as one factor contributing to the irresponsible and often irrational behavior of many juveniles who commit delinquent acts.

## Socialization and Status

Another significant aspect of the educational experience is that children spend school hours with their peers, and most after-school activities take place with school friends. Young people rely increasingly on school friends and become less interested in adult role models. The norms of the peer culture are often at odds with those of adult society, and a pseudo-culture with a distinct social system develops. Law-abiding behavior may not be among the values promoted in such an atmosphere. Kids enmeshed in this youth culture may admire bravery, defiance, and having fun much more than adults do.

The school has become a primary determinant of economic and social status. In this technological age, education is the key to a job marking its holder as "successful." No longer can parents ensure the status of their children through social class alone. Educational achievement has become of equal, if not greater, importance as a determinant of economic success. Parents, the media, and schools foster this emphasis



on the value of education. Regardless of their social or economic background, most children grow up believing education is the key to success. However, many youths do not meet acceptable standards of school achievement. Whether failure is measured by test scores, not being promoted, or dropping out, the incidence of school failure continues to be a major problem for U.S. society.

The school itself has become an engine of social change and improvement. School desegregation, begun in the 1960s, heralded a new age of racial inclusion that, in the long run, has helped reduce crime rates. Youths educated in integrated classroom experience significantly lower incarceration rates later as adults. The constructive effects of racial inclusiveness in the school setting have grown stronger, highlighting the need for further educational integration.<sup>5</sup>

## Educational Problems and Issues

### LO2

Identify the problems facing the educational system in the United States

In 2010, America woke up to some sobering educational news. For the first time, China participated in an international standardized testing curriculum known as the Program for International Student Assessment (PISA), sponsored by the Organization for Economic Cooperation and Development (OECD). This Paris-based group includes the world's major industrial powers.

More than 5,000 15-year-old students in Shanghai took the PISA tests in math, reading, and science. The results were most startling: the Chinese students outscored their counterparts in dozens of other countries, including the United States. Nor were the test takers handpicked from the city's elite students to make China look good around the globe; they were, in fact, a representative cross-section of typical Shanghai students.<sup>6</sup>

Since then, China has maintained its lead in educational excellence; only Singapore comes close.<sup>7</sup> The latest results appear to reflect the Chinese reverence for education and a culture that emphasizes teacher training and more time spent studying than extracurricular activities like sports. Also, in recent years, teaching has become a valued occupation in China, and salaries have risen accordingly. In contrast, budget cutbacks in the United States have resulted in teacher layoffs and a reduction in special programs for gifted students; the PISA scores in the United States have remained stable or declined during the past decade.

The PISA results are reinforced by data collected by the National Center for Education Statistics (NCES) on the academic ability of 9- and 13-year-old students in the United States. The 2020 average mathematics score for students age 13 was lower than in 2012; no significant improvement in average math scores occurred for 9-year-olds. It is also unlikely that school closings during the COVID pandemic or the implementation of online learning improved matters.<sup>8</sup> According to the National Assessment of Educational Progress, math and reading scores for 9-year-olds declined 5 points in reading and 7 points in math in 2022 compared to 2020—the largest decline in reading since 1990 and the first ever decline in math; the drop may be linked to the decline in-class learning during the COVID crisis.<sup>9</sup>

## Educational Achievement

Sadly, economically disadvantaged children enter school lagging behind their more advantaged peers in the knowledge and social competencies widely recognized as enabling children to perform at even the most basic level.<sup>10</sup> They face substantial gaps in reading and mathematics proficiency measures, prosocial behaviors and behavior problems, and readiness to learn. Many children are not familiar with the basic rules of print or writing (e.g., knowing that English is read from left to right and top to bottom or where a story ends). About one-third of children whose mothers have less than a high school education suffer educational deficiencies compared to only 8% of children whose mothers have a college degree or higher. Many children from disadvantaged backgrounds fail to meet grade-level expectations on core subjects. Consequently, they face higher rates of special education placement and grade repetition.<sup>11</sup>

**Students of Color** While students of color have made gains on many educational indicators over the past few decades, they still face more significant obstacles than European American students. White-Black and White-Hispanic achievement gaps in math and reading have narrowed substantially since the 1970s. The gaps narrowed sharply in the 1970s and the first half of the 1980s. As a result, White-Black and White-Hispanic achievement gaps are now 30–40% smaller than in the 1970s. Nonetheless, the gaps remain. There are also significant differences based on the intersection of race and gender. Nearly half of White females have been taught to reach the proficient or advanced levels in eighth-grade reading, and only 14% are below basic. At the other end of the distribution, more than half of Black male students were tested below basic, and only 10% were proficient. The chance of a Black male student being taught to read well is close to one-fifth that of a White female student and one-third that of a White male. These differences in educational achievement are linked to dropping out and delinquency and may be responsible for what is known as the “school to jail link.”<sup>12</sup>

## School Discipline

School disciplinary tactics range from after-school detention to corporal punishment. About 20 states permit school administrators to apply corporal punishment, and about 30 states and the District of Columbia allow suspension or expulsion for defiant or disruptive behavior. Another 10 allow suspension or expulsion for robbery/theft, destruction of property, and physical harm/threat of physical harm. Five states allow suspension or expulsion for bullying, profanity/vulgarity, inappropriate use of technology, membership in secret organizations, and vandalism.<sup>13</sup>

There has been great concern about the application of discipline since several research projects showed that Black students, males, and students with disabilities have been disproportionately disciplined in K-12 public schools.<sup>14</sup> Children of color, who now make up about 16% of all public school students, account for 39% of students suspended from school. In fact, more Black students are suspended each year than Whites, even though approximately 17 million more White students attend K-12 public schools. Equally disturbing is that students with disabilities (12% of students) experience higher rates of discipline (25%) than their peers without disabilities: Black students with disabilities and boys with disabilities were disproportionately disciplined.<sup>15</sup>

Any form of institutional racial disparity is of great concern, and the fact that gender, disability, and race-based differences in school discipline still exist illustrates one of the most significant problems facing the American school system.

Adding weight to this problem is that school suspensions may aggravate rather than diminish youthful offending.<sup>16</sup> Research by Janet Rosenbaum finds that a third of U.S. students are suspended over a K-12 school career. Suspended youth have worse adult outcomes than nonsuspended students. Twelve years after suspension (ages 25–32), suspended youth were less likely to earn bachelor’s degrees or high school diplomas than those who matched nonsuspended youth. They also were more likely to have arrest records or be on probation, suggesting that suspending a student has an opposite effect than believed or desired.<sup>17</sup>

In the following Focus on Delinquency, the unequal distribution of school discipline in the state of Florida is explored in some detail.

## Dropping Out

Every day, hundreds of thousands of youths are absent from school; many are absent without an excuse and deemed **truant**. Some large cities report that unexcused absences can number in the thousands on certain days. Truancy can lead to school failure and **dropping out**.

Dropping out of high school has severe long-term financial and personal consequences. Dropouts are less likely to find jobs than their better-educated peers and frequently experience considerably higher unemployment rates.<sup>18</sup>

### LO3

Give examples of the hazards faced by children if they are dropouts

#### truant

Being out of school without permission.

#### dropping out

Leaving school before completing the required program of education.

### The Unequal Application of School Disciplinary Measures

The unequal application of school disciplinary measures along racial lines has been well documented. To explore this phenomenon and to determine whether there are gender differences in the application of discipline Peter Lehmann and Ryan Meldrum used data from the 2018 Florida Youth Substance Abuse Survey that involved more than 50,000 respondents.

Lehmann and Meldrum found that students of color are more likely than White students to report receiving a suspension from school in the past 12 months. After controlling for a slew of variables, ranging from language spoken at home to school attachment, self-control, and peer delinquency, students of color have a risk of suspension nearly 130% greater than White youth. Hispanic students have approximately 20% greater odds of receiving a suspension from school than Whites. Theoretically, they suggest, these disparities might reflect the existence of a “subtle, often unconscious process” in which biases held by school professionals can lead them to single out minority youth as cultural “outsiders” or as students particularly inclined toward disruptive, aggressive, or delinquent behavior. School officials may see discipline as a way of socializing minority youth to adopt racially normative standards of behavior.

Lehmann and Meldrum also found that racial and ethnic disparities in suspension are conditioned by gender: the effect is stronger among female students than among males; female students of color are significantly more likely to face suspension than White female students. One explanation is that White female youth are given exceptional leniency in school discipline, while minority females may face stricter standards of conduct. Take, for instance, traditional standards of femininity defined by White middle-class culture. These standards suggest that girls must be silent, passive, and willing to placate

others instead of their own interests, desires, and feelings. School professionals who want to apply these norms to students of color look unfavorably at the assertiveness and expressiveness of Black and Hispanic females. These students are then suspended due to imposing racialized and gendered behavioral expectations. What is most surprising is that this relationship is maintained even among academically gifted students. It should come as no surprise that students who are successful in school and receive high grades are less likely to be suspended than those who perform less well academically. Despite this general association, gifted Black female students are less likely to enjoy an academic success advantage than female youth of other racial/ethnic groups.

Why doesn't academic success shield female students of color from school disciplinary actions? While the assertiveness and boldness Black females in the classroom demonstrate may be associated with academic advantages, including better grades, academically successful Black female youth might face particularly high standards of acceptable behavior. Therefore, the misconduct these youth commit might be perceived as especially grievous and warranting a suspension from school.

#### Critical Thinking

What can be done to reduce the number of students suspended or expelled from school? Would having special schools for problems students be an answer, or would that create labels that interfere with post-academic success? How would you handle this problem?

SOURCE: Peter Lehmann and Ryan Meldrum, “School Suspension in Florida: The Interactive Effects of Race, Ethnicity, Gender, and Academic Achievement,” *Justice Quarterly* 38: 479–512 (2021).

Dropouts also face personal problems. They report being in worse health than adults who completed high school. Dropouts make up disproportionately higher percentages of the nation's prison and death row inmates. Not surprisingly, dropout incarceration rates are significantly higher than college graduates. While there is no direct link between prison and the decision to leave high school early, dropouts experience many of the same destructive socioeconomic forces often linked to crime.<sup>19</sup> High school dropouts cost the economy hundreds of thousands of dollars over their lifetime in terms of lower tax contributions, higher reliance on Medicaid and Medicare, higher rates of criminal activity, and higher reliance on welfare.<sup>20</sup>



The Washington Post/Getty Images

School systems have employed a number of different methods to reduce the dropout rate, and some seem to be succeeding. Fifth-grader Norman Bryant beams as he collects his prize, a backpack with school supplies, after winning the daily raffle at Simon Elementary School in Washington, D.C. The district has enormous truancy rates, even among young children. In the last year or two, the school system has made a big push to improve attendance. Simon Elementary is seen as a model, introducing incentives and games that are tied to attendance and meant to get kids excited about coming to school. They have also implemented systems to ensure that parents get a phone call whenever their kids are absent, weekly attendance meetings to talk about kids who are missing too much school, and partnership with a community-based organization that can make home visits and connect families with services.

### dropout factory

High schools in which the number of seniors is 60% (or less) of the number of ninth-graders.

### status dropout rate

The percentage of an age group that is not enrolled in school and has not earned a high school diploma or equivalent.

In a few high schools—so-called **dropout factories**—mostly in inner-city neighborhoods, the high school completion rate is 40% or less. Though their numbers have significantly declined during the past decade, the United States has about 1,000 failing schools. While they represent a small fraction of all public high schools in America, they account for about half of all high school dropouts each year.

**How Many Drop Out?** The **status dropout rate** is the percentage of 16- to 24-year-olds who are not enrolled in school and have not earned a high school credential (either a diploma or an equivalency credential such as a GED certificate). While the status dropout rate remains a concern, significant improvement has occurred since 1990. At last count, there were 2.0 million status dropouts between 16 and 24. While the number of high school drop outs is troubling, the overall status dropout rate has decreased from 8% in 2010 to about 5% today.

Several groups experienced significant declines, specifically Hispanics who lowered their dropout rate from 16.7 to 7.7%, American Indian/Alaska Natives who went from 15 to less than 10%, and African Americans who went from 10 to around 6%. Asians had the lower rate of dropping out, but their rate also declined from 2.8 to 1.8%; about 4% of White students drop out. More males (6%) drop out than females (4%).<sup>21</sup>

**Why Do Kids Drop Out?** When surveyed, most dropouts say they left either because they did not like school or because they wanted to get a job. Kids who grow up fast and are involved in drug abuse or other risky behaviors may drop



out of school to pursue an adult lifestyle.<sup>22</sup> Other risk factors include low academic achievement, poor problem-solving ability, low self-esteem, difficulty getting along with teachers, dissatisfaction with school, and being too old for their grade level.<sup>23</sup> Some dropouts could not get along with teachers, had been expelled, or were under suspension. Almost half of all female dropouts left school because they were pregnant or had already given birth.

Poverty and family dysfunction increase the chances of dropping out among all racial and ethnic groups. Dropouts are more likely than graduates to have lived in single-parent families headed by parents who were educational underachievers themselves. They are more likely to have experienced abuse and maltreatment than non-dropouts.<sup>24</sup>

Wealthier kids residing with high-income parents have a much greater chance of completing high school than their disadvantaged peers. Each year, students living in low-income families are more than four times more likely to drop out than their peers from high-income families.

Some youths have no choice but to drop out. They are pushed out of school because they lack attention or have poor attendance records. Teachers label them “troublemakers,” and school administrators use suspensions, transfers, and other means to “convince” them that leaving school is their only option. Because minority students often come from circumstances that interfere with their attendance, they are more likely to be labeled “disobedient.” Race-biased disciplinary practices may help sustain high dropout rates among students of color.<sup>25</sup>

**Do Dropouts Commit More Crime After Leaving School?** Conventional wisdom is that dropouts commit many crimes and dropping out causes kids to adopt a delinquent way of life. After all, dropouts also make up disproportionately higher percentages of the nation’s prison and death row inmates. Despite such notions, existing research on the effects of dropping out is a mixed bag. While some research findings indicate that dropping out of school enhances the likelihood that kids will get involved in delinquency, other efforts have not uncovered a dropout effect.<sup>26</sup> One reason for these inconclusive findings is that the dropout-delinquency association may be moderated by gender: boys who drop out, especially those who do poorly in school, are the ones most likely to engage in delinquency; dropping out has an insignificant impact on female students.<sup>27</sup>

It is also possible that the reasons kids drop out influence their subsequent behavior. Those who drop out for economic or social reasons (e.g., they have a child) may be less likely to commit crimes than those who drop out because of behavioral problems.

Both social problems may have a common cause: both dropping out and antisocial activity are related to economic and personal stressors. The lifelong social problems that lead to dropping out also explain involvement in criminal activity after a student leaves school.<sup>28</sup>

## Academic Performance and Delinquency

Whether they drop out or not, kids who do poorly in school are at risk for delinquent behavior; students who are chronic underachievers in school are among the most likely to be delinquent. In fact, researchers find that school failure is a stronger predictor of delinquency than economic class membership, racial or ethnic background, or peer-group relations.<sup>29</sup>

Studies comparing the academic records of delinquents and nondelinquents—including their scores on standardized tests, failure rate, and other academic measures—have found that delinquents are often academically deficient. That delinquency may lead to their leaving school and becoming involved in antisocial activities.<sup>30</sup> In addition to criminality, school failure is linked to other social problems ranging from needing social welfare to engaging in risky sexual activities.<sup>31</sup>

### LO4

Express the association between school failure and delinquency.

Children who report that they dislike school and do not do well in school are most likely to self-report delinquent acts.<sup>32</sup> In contrast, at-risk youths, even those with a history of abuse and mistreatment, who do well in school often can avoid delinquent involvement.<sup>33</sup>

An association between academic failure and delinquency is commonly found among chronic offenders. Those leaving school without a diploma were more likely to become involved in chronic delinquency than were high school graduates.<sup>34</sup> Only 9% of the chronic offenders in Marvin Wolfgang's Philadelphia *Delinquency in a Birth Cohort* study graduated from high school, compared with 74% of nonoffenders.<sup>35</sup> Chronic offenders also had more disciplinary actions than nonoffenders.<sup>36</sup>

The relationship between school achievement and persistent offending is supported by surveys that indicate that less than 40% of incarcerated felons were high school graduates, compared with more than 80% of the general population.<sup>37</sup> In sum, the school experience can be a significant factor in shaping the direction of an adolescent's life course.

## The Association between School Failure and Delinquency

Although there is general agreement that school failure and delinquency are related, some questions remain concerning the nature and direction of this relationship.

There are actually four independent views on the association:

- **Delinquency causes school failure.** Disruptive youth who lack self-control are aggressive and antisocial. These impulsive students are most likely to face disciplinary problems and school failure.<sup>38</sup> Research shows that as males commit more delinquent acts, (1) the amount of schooling they achieve decreases and (2) their chances of dropping out increase; the association is less significant for female students. Male but not female delinquents face major disadvantages in social relationships in school settings and display lower levels of educational aspirations.<sup>39</sup>
- **School failure is a cause of delinquent behavior.** Children who fail at school soon feel frustrated and rejected. Believing they will never succeed through conventional means, they seek like-minded companions and engage in antisocial behaviors together. Educational failure evokes negative responses from important people in the child's life, including teachers, parents, and prospective employers. These reactions help solidify feelings of inadequacy and sometimes lead to a pattern of chronic delinquency.
- **School failure leads to emotional and psychological problems that are the actual cause of antisocial behavior.** Academic failure reduces self-esteem, and reduced self-esteem is the actual cause of delinquency. Studies using a variety of measures of academic competence and self-esteem demonstrate that good students have a better attitude about themselves than poor students; low self-esteem has been found to contribute to delinquent behavior.<sup>40</sup> The association then runs from school failure to low self-concept to delinquency. Schools may mediate these effects by taking steps to improve the self-image of academically challenged children.
- **School failure and delinquency share a common cause.** Both are caused by another outside condition, such as living in poverty or being socialized in a troubled family environment.

### LO5

Examine the personal and social factors that have been related to school failure

## Correlates of School Failure

Despite disagreement over the relationship's direction, there is little argument that educational experiences influence delinquent behavior. Several factors have been linked to school failure; the most prominent are discussed in the next sections.

**Personal Problems** Some kids have personal problems that they bring with them to school. Because of their deprived background and ragged socialization, some kids lack the verbal skills prerequisite for educational success.<sup>41</sup> Others live in dysfunctional families; a turbulent family life has been linked to academic underachievement.

Still others suffer psychological abnormality. The adolescent who both fails at school and engages in delinquency may be experiencing depression and other mental deficits associated with their school failure and involvement in antisocial activities.<sup>42</sup> Personality structure may also be a key factor. Kids with low self-control are more likely to engage in delinquent behavior *and* fail in school. An impulsive personality can cause both school failure and delinquency.<sup>43</sup>

School failure may also be linked to learning disabilities or reading disabilities that might actually be treatable if the proper resources were available.<sup>44</sup>

**Social Class** During the 1950s, research by Albert Cohen indicated that delinquency was a phenomenon of working-class students who were poorly equipped to function in middle-class schools. Cohen referred to this phenomenon as a failure to live up to “middle-class measuring rods.”<sup>45</sup> Jackson Toby reinforced this concept, contending that lower-class children’s disadvantages in school (e.g., lack of verbal skills) result from their position in the social structure and that these disadvantages foster delinquency.<sup>46</sup> These views have been supported by the higher-than-average dropout rates among lower-class children.

Lower-class children may do poorly in school because economic problems require them to take part-time jobs. Working while in school seems to lower commitment to educational achievement and is associated with higher levels of delinquent behavior.<sup>47</sup>

**Tracking** Most researchers have looked at academic **tracking**—dividing students into groups according to ability and achievement level—as a contributor to school failure. Placement in a non-college track means consignment to educational oblivion without apparent purpose. Studies indicate that non-college-track students experience greater academic failure and progressive deterioration of achievement. They also may participate less in extracurricular activities, have an increased tendency to drop out, and commit more delinquent acts.

In a now-classic study, Jennie Oakes found that school officials begin tracking students in the lowest grade levels. Educators separate youths into groups that have innocuous names (“special enrichment program”) but may carry the shame of academic incompetence. High school students may be tracked within individual subjects based on ability. Classes may be labeled in descending order: advanced placement, academically enriched, average, basic, and remedial. It is common for students to have all their courses in only one or two tracks.<sup>48</sup>

The effects of school labels accumulate. If students fail academically, they are often destined to fail again. Repeated instances of failure can help produce the career of the “misfit” or “dropout.” Using a tracking system keeps certain students from having any hope of achieving academic success, thereby causing a lack of motivation, which may foster delinquent behavior. Students may also conform their academic motivations according to their tracks. Research shows adolescents adapt their educational expectations to ability signals sent by schools. Those placed in honor tracks will experience elevated expectations, while those relegated to lower tracks will behave accordingly; tracking produces a self-fulfilling prophecy.<sup>49</sup>

**Detracking** In a follow-up study conducted 20 years later, Oakes found that research on the negative effects of tracking had spurred a detracking movement that helped alleviate some of the tracking system’s most significant problems, creating negative educational labels and stigma. Placing students in tracking programs that placed students in higher and lower academic tracks with preset courses has given way to having students engage in self-tracking: the ability to choose classes that match educational comfort levels. Many schools have totally eliminated nonacademic lower

#### **tracking**

Dividing students into groups according to their ability and achievement levels.

## Exhibit 10.1

### Sources of Student Alienation

- **School size.** Schools are getting larger because smaller school districts have been consolidated into multijurisdictional district schools. In 1900, there were 150,000 school districts; today, there are approximately 13,500. Larger schools are often impersonal, and relatively few students can find avenues for meaningful participation. Teachers and other school personnel do not have the opportunity to deal with early indications of academic or behavior problems and thus act to prevent delinquency.
- **Irrelevant curriculum.** Some students may be unable to see the relevance or significance of what they are taught in school. The gap between their education and the real world makes them feel that the school experience is little more than a waste of time.
- **Lack of payoff.** Many students, particularly those from low-income families, believe that school has no payoff for their future. Because the legitimate channel of education appears meaningless, illegitimate alternatives become increasingly more attractive for students who did not plan to attend college or use their high school educations directly in their careers.
- **Middle- and upper-class bias.** The preeminent role of the college preparatory curriculum and the second-class position of vocational and technical programs in many school systems alienate some lower-class students. Furthermore, methods of instruction and curriculum materials reflect middle-class mores, language, and customs and have little meaning for the disadvantaged child.

tracks, allowing administrators and school boards to claim that all students are now in college preparatory programs. While these changes are welcome, Oakes found that some administrators still believe in tracking and covertly maintaining the system by steering students to classes structured according to the student's preordained ability. As a result, students taking AP English and math get a much different educational experience than those in the basic and remedial sections. Students guided toward more basic classes share many of the same problems as those who 20 years earlier were placed in lower tracks, such as reduced graduation rates and less likelihood of attending college. Oakes finds that minority students suffer as much under the new self-tracking system as they did in the older tracking method.<sup>50</sup>

**Alienation** Student alienation has also been identified as a link between school failure and delinquency (see Exhibit 10.1). Students who report they neither like school nor care about their teachers' opinions are more likely to exhibit delinquent behaviors.<sup>51</sup> Alienation may be a function of students' inability to see the relevance of what they are taught. The gap between their education and the real world makes some students feel that the school experience wastes time.<sup>52</sup>

### Improving Academic Performance: Pre-School Programs

Students who bond to school also find that this commitment helps them resist delinquency-producing factors in the environment (e.g., antisocial peers).<sup>53</sup> Youths who report liking school and being involved in school activities are also less likely to engage in delinquent behaviors.<sup>54</sup> Involvement is especially beneficial in schools that treat students fairly and have clearly laid out rules.<sup>55</sup> Schools might lower delinquency rates by developing programs that counteract student alienation.

One approach has been creating preschool programs to prepare children for school. Preschool is typically provided to children ages 3 to 5 years. These are the formative years of brain development; more learning takes place during this developmental stage than at any other stage over the life course.<sup>56</sup> Highly structured, cognitive-based preschool programs give young children a positive start in life. Some key features of preschool programs include the provision of:



- Developmentally appropriate learning curricula
- A wide array of cognitive-based enriching activities
- Activities for parents, usually of a less intensive nature, so that they may be able to support the school experience at home.<sup>57</sup>

A preschool in Michigan, a program in Chicago, and Head Start centers in Washington provide some positive findings on the benefits of early intervention.

## Perry Preschool

Starting in the mid-1960s, the Perry Preschool in Ypsilanti, Michigan, provided disadvantaged children with a program of educational enrichment supplemented with weekly home visits. The program helps children, especially those in financial straits, enter the educational system, even with those kids with greater means.<sup>58</sup> The main intervention is high-quality, active-learning preschool programming administered by professional teachers for two years. Preschool sessions are half-day five days a week for the duration of the 30-week school year. The educational approach focused on supporting children's cognitive and social skills development through individualized teaching and learning.

Many assessments have been made of the program at important stages of development. When the participants were age 15, the first assessment found that those who received the program reported one-third fewer offenses than the control group.<sup>59</sup> By 27, program participants had accumulated fewer arrests than kids selected for a control group. Preschoolers had achieved many other significant benefits, including higher monthly earnings, higher percentages of home ownership and second car ownership, a higher level of schooling completed, and a lower percentage of receiving welfare benefits.<sup>60</sup> All of these benefits translate into substantial dollar cost savings. For each dollar it cost to run and administer the program, an estimated \$7+ was saved to taxpayers, potential crime victims, and program participants.<sup>61</sup>

The most recent assessment of the effectiveness of Perry Preschool—when the subjects were age 40—found that it continues to make a difference in the lives of those who were enrolled in the program. Compared to the control group, program group members had achieved many significant benefits:

- Fewer lifetime arrests for violent crimes and drug crimes
- Higher levels of schooling completed
- Higher annual earnings<sup>62</sup>

## Child-Parent Center (CPC)

The Child-Parent Center (CPC) program in Chicago, like Perry Preschool, provides disadvantaged children ages 3 to 4 years with high-quality, active-learning preschool supplemented with family support.<sup>63</sup> CPC integrates early childhood education with the elementary school years to form a supportive continuum of learning and development. This continuum is accomplished through six core program elements: Collaborative Leadership, Effective Learning Experiences, Parent Involvement and Engagement, Aligned Curriculum and Activities, Professional Development, and Continuity and Stability. Originally established in 1967 by the Chicago Public School District, the program model was revised and expanded at the University of Minnesota. CPC P-3 has demonstrated for over five decades that it is one of the nation's most effective educational reform strategies for improving student success.

Evaluations of the program had found that those adolescents who attended were less likely to be arrested for nonviolent offenses (17% versus 25%) and violent offenses (9% versus 15%) by the time they were 18. Compared to a control group, preschool participants were also less likely to be arrested more than once (10% versus 13%).

The preschool participants realized other significant benefits compared to the control group:

- A higher rate of high school completion (50% vs. 39%)
- More years of completed education (11 years vs. 10)
- A lower rate of dropping out of school (47% vs. 55%)<sup>64</sup>
- Other evaluations received similar positive results at age 24 and age 28 as well.<sup>65</sup> The success of the CPC program in preventing juvenile delinquency and improving other life-course outcomes produced substantial cost savings. For each dollar spent on the program, \$7.14 was saved to taxpayers, potential crime victims, and program participants.<sup>66</sup>

Overall, high-quality, intensive preschool programs show strong support for preventing delinquency and improving the lives of young people.<sup>67</sup> The provision of family support services combined with preschool programming likely adds to the strength of the Perry and CPC programs in preventing delinquency. Still, preschool clearly was the

## Treating Delinquency

### Head Start

Head Start is probably the best-known effort to help lower-class youths achieve proper socialization and, in so doing, reduce their potential for future criminality. The program began in the 1960s as part of President Lyndon Johnson's War on Poverty. In the beginning, Head Start was a two-month summer program for children about to enter a school aimed at embracing the "whole child." The school offered comprehensive programming that helped improve physical health, enhance mental processes, and improve social and emotional development, self-image, and interpersonal relationships. Preschoolers were provided with an enriched educational environment to develop their learning and cognitive skills. They were allowed to use pegs and pegboards, puzzles, toy animals, dolls, letters and numbers, and other materials that middle-class children take for granted. These opportunities provided the children a leg up in the educational process.

Today, annual funding exceeds 10 billion dollars and an enrollment of approximately one million children. The Head Start program is administered by the Head Start Bureau, the Administration on Children, Youth, and Families (ACYF), the Administration for Children and Families (ACF), and the Department of Health and Human Services (DHHS). Since 1965, Head Start has served more than 37 million children. Head Start teachers strive to provide various learning experiences appropriate to the child's age and development. These

experiences encourage the child to read books, understand cultural diversity, express feelings, and play with and relate to peers appropriately. Students are guided in developing gross and fine motor skills and self-confidence. Health care is also an issue; most children enrolled in the program receive comprehensive health screening, physical and dental examinations, and appropriate follow-up. Many programs provide meals, and in so doing, help children receive proper nourishment.

Head Start programs now serve parents in addition to their preschoolers. Some programs allow parents to enroll in classes covering parenting, literacy, nutrition/weight loss, domestic violence prevention, and other social issues; social services, health, and educational services are also available.

Considerable controversy has surrounded the success of the Head Start program. In 1970, the Westinghouse Learning Corporation issued a definitive evaluation of the Head Start effort. It concluded that there was no evidence of lasting cognitive gains by the participating children. Initial gains seemed to fade away during the elementary school years, and by the third grade, the performance of the Head Start children was no different from that of their peers.

While disappointing, this evaluation focused on IQ levels and gave short shrift to improved social competence and other survival skills. More recent research has produced dramatically different results. One report found that by age 5,

most important element. The intellectual enrichment component of preschool helps prepare children for the academic challenges of elementary and later grades; reducing the chances of school failure is a significant factor in reducing delinquency. Other research emphasizes the noncognitive skills or “grit” that these early intervention programs can teach participating children.<sup>68</sup> Another notable point about the positive findings of Perry and CPC is that these two programs were implemented many years apart. However, the CPC, as a semi-replication of Perry, demonstrates that preschool programs today can still be effective in preventing delinquency. Perhaps the most well-known program is Head Start, which is the topic of the Treating Delinquency Feature.

## Delinquency in the School

In a pioneering study of school crime, *Violent Schools–Safe Schools* (published in 1977), the federal government found that although teenagers spend only 25% of their time in school, 40% of the robberies and 36% of the physical attacks involving this age group occur on school grounds.<sup>69</sup>

LO6

Be able to calculate the extent of school crime

children who experienced the enriched daycare offered by Head Start averaged more than 10 points higher on their IQ scores than their peers who did not participate in the program. Other research that carefully compared Head Start children to similar youngsters who did not attend the program found that the former made significant intellectual gains. Head Start children were less likely to have been retained in a grade or placed in classes for slow learners, outperformed peers on achievement tests, and were more likely to graduate high school.

Head Start kids also made strides in nonacademic areas: They appear to have better health, immunization rates, nutrition, and enhanced emotional characteristics after leaving the program. Research also shows that the Head Start program can have important psychological benefits for the mothers of participants, such as decreasing depression and anxiety and increasing feelings of life satisfaction. While findings in some areas may be tentative, they are all in the same direction: Head Start enhances school readiness and has enduring effects on social competence.

If, as many experts believe, there are close links between school performance, family life, and crime, programs such as Head Start can help some potentially criminal youths avoid conflict with the law. Research has found that children who attended Head Start (ages 3 to 5) were significantly less likely to report being arrested or referred to court for a crime by ages 18 to 30 than their siblings who did not attend the program.

Head Start has also been shown to be a worthwhile investment of taxpayer dollars in both the short and long term. A cost-benefit analysis found that the program's short- and medium-term benefits could offset between 40 and 60% of its costs, and adding a small fraction of long-term benefits (like reductions in juvenile crime) could make it pay for itself.

### Critical Thinking

1. Head Start reaches almost one-half of all children and families in need. In addition to spending more money, what does the U.S. government need to do to expand Head Start's reach?
2. What changes could be made to Head Start to improve the lives of children and families more effectively?

SOURCES: Head Start Bureau, *Head Start Program Facts: Fiscal Year 2019* (Washington, DC: Head Start Bureau, 2021) <https://eclkc.ohs.acf.hhs.gov/about-us/article/head-start-program-facts-fiscal-year-2019>; Holly Schindler and Hirokazu Yoshikawa, “Preventing Crime Through Intervention in the Preschool Years,” in Brandon Welsh and David Farrington, eds., *The Oxford Handbook of Crime Prevention* (New York: Oxford University Press, 2012); Jens Ludwig and Deborah Phillips, “Long-Term Effects of Head Start on Low-Income Children,” *Annals of the New York Academy of Sciences* 1136:257–268 (2008); Edward Zigler, Walter Gilliam, and Stephanie Jones, eds., *A Vision for Universal Preschool Education* (New York: Cambridge University Press, 2006); U.S. Department of Health and Human Services, Administration for Children and Families, *Head Start Impact Study: First Year Findings* (Washington, DC: Author, 2005); Carol Ripple and Edward Zigler, “Research, Policy, and the Federal Role in Prevention Initiatives for Children,” *American Psychologist* 58:482–490 (2003); Eliana Garces, Duncan Thomas, and Janet Currie, “Longer-Term Effects of Head Start,” *American Economic Review* 92:999–1012 (2002); Janet Currie, “Early Childhood Education Programs,” *Journal of Economic Perspectives* 15:213–238 (2001).

Since the Safe Schools study was published, crime has continued to be a significant problem in the nation's schools. Research still shows that a substantial portion of all juvenile crime and victimization occurs during the school day. Though the most serious violent offenses occur after school, the crimes that kids are most likely to get involved in, such as simple assault offenses, occur at school.<sup>70</sup>

## Extent of School Crime

Despite the terrible instances of school shootings that gain national headlines, overall, serious school crime has trended downward during the past decade.<sup>71</sup> According to data compiled by a variety of government agencies, throughout the last decade, crime has become less prevalent in elementary and secondary schools. For instance, between 2009 and 2020, the rate of nonfatal criminal victimization (including theft and violent victimization) decreased for students ages 12–18, from 51 to 11 victimizations per 1,000 students. During the height of the COVID pandemic (2019–2020) mandated school closings and changes to school procedures resulted in a 60% decline in school victimization rates. During this period, student behaviors at school that targeted fellow students also were much lower than a decade ago. Included in these declines were: student bullying (15 vs. 23%), student sexual harassment of other students (2 vs. 3%), and student harassment of other students based on sexual orientation or gender identity (2 vs. 3%). While these trends are encouraging, there were 93 school shootings with casualties at public and private elementary and secondary schools during the 2020–2021 school year—the highest number since 2000–2001. In addition, cyberbullying and attacks on teachers have increased over the past decade.<sup>72</sup> In all, students ages 12–18 experienced 285,400 victimizations at school and 380,900 victimizations outside of school grounds. These figures translate to a rate of 11 victimizations per 1,000 students at school and a rate of 15 victimizations per 1,000 students away from school, numbers that reflect a significant decade-long drop in most crimes that occur on school grounds.

**Teacher Attacks** Teachers are also subject to threats and physical attacks from students and school intruders, and while school-based crime has declined, physical and verbal attacks on teachers have been on the rise. The latest data from the National Teacher and Principal Survey (NTPS), threats of injury were more common than actual physical attacks. About 10% of public school teachers who report being threatened with injury by a student; about 6% report being physically attacked by a student. Interestingly, a higher percentage of elementary public school teachers were threatened and attacked than secondary school teachers.<sup>73</sup> A school's location and makeup significantly impact the likelihood of teacher injury. Teachers in public schools in large cities are most at risk, and those teaching in private schools in rural areas are the least. Male teachers are attacked more often than female teachers.

## Who Are the Victims of School Crime?

School crime is not a random event, and some kids are targeted because of their personal status and behavior. Students who take risks themselves and who associate with risk-taking peers are most likely to become victims. Engaging in risky behaviors increases students' exposure to motivated offenders. Being impulsive and lacking self-control adds to the mix; impulsive kids who lack self-control are the ones most often targeted by school crime. One reason: they may be viewed as suitable targets because of their often rash and thoughtless behaviors.<sup>74</sup>

Getting involved in after-school activities may increase victimization risk.<sup>75</sup> Students involved in academic extracurricular activities were more likely to be selected as suitable targets for violent victimization due to being viewed as weak and vulnerable by motivated offenders. Students viewed as upwardly mobile were seen as worthwhile targets, perhaps because their success was offensive to their less academically gifted attackers.<sup>76</sup>



## School Shootings

Fatal school shootings, such as the one that occurred in the Sandy Hook Elementary school in Connecticut and the Robb Elementary School in Uvalde, Texas, are terrible tragedies that have focused national attention on school violence. Despite the media coverage, the data tells us that while any violent death in a school building is tragic, mass shootings are actually rare events. While about 50 million K-12 students in the U.S. attend more than 100,000 public and 30,000 private schools, the most recent available data indicates that about 60 school-associated violent deaths occur yearly in the United States; of these, about 50 are murders and 10 suicides. In the last year for which data was available (2020), there were 75 school shootings with casualties, including 27 school shootings with deaths and 48 school shootings with injuries only; there were 37 reported school shootings with no casualties.<sup>77</sup>

School deaths also seem relatively infrequent considering how many students bring weapons to school: about 3% of students report carrying a weapon on school property. While this number has declined over the past decade, it still means about 1.5 million armed students come to school every day.

What else do we know about school shootings? Most violent deaths occur during transition times—immediately before and after the school day and during lunch. Violent deaths are more likely to occur at the start of each semester. Nearly 50% of homicide perpetrators gave a warning signal, such as making a threat or leaving a note, before the event. Firearms used in school-associated homicides and suicides came primarily from the perpetrator's home or friends or relatives.

**Who Is the School Shooter?** Why does someone become a school shooter? There is no clearcut answer. As you may recall (Chapter 3), Adam Lanza, the Newtown killer, had a long history of psychological disorders, including “sensory integration disorder,” which made him over-respond to stimuli and find clothing, physical contact, light, sound, and food unendurable. He also suffered a range of disorders, including anorexia and obsessive-compulsive disorder. Other shooters report a history of alienation and bullying by other students.<sup>78</sup> Salvador Ramos, the Uvalde shooter, was reportedly demeaning and scary, obsessed with guns, and incredibly angry. He posted online, and when he did not get the desired response, he threatened to kidnap and rape the girls with whom he was corresponding.

Many of these kids also perceive a lack of support from peers, parents, and teachers.<sup>79</sup> For instance, Eric Harris and Dylan Klebold went on their murderous 1999 rampage at Columbine High School, leaving 12 students and one teacher dead and 24 others wounded. One reason for their deadly action was feelings of being bullied and ostracized by more popular students. Harris and Klebold had spent more than a year planning the attack and building homemade bombs.<sup>80</sup>

Kids who have been the victims of crime and hang with peers who carry weapons are the ones most likely to bring guns to school.<sup>81</sup> A troubled kid with little social support but carrying deadly weapons makes for an explosive situation.

The U.S. Secret Service and other federal agencies have developed a profile of school shootings and shooters.<sup>82</sup> Taken together, they found that most attacks were neither spontaneous nor impulsive. Shooters typically developed a plan of attack well in advance; more than half had considered the attack for at least two weeks and had a plan for at least two days.

Despite feelings of persecution, many school shooters were honor roll students from good communities and affluent two-parent homes with no serious problems at school. Shooters are almost exclusively male, and most are White. Most had experience with drug and alcohol abuse though they were not under the influence when the killings occurred.

Like Adam Lanza and Salvador Ramos, the school shooters' mental anguish was well known before the attack. Many had suicidal thoughts and may have attempted to kill themselves before the attack. Many of the shooters had attracted someone's

attention (school officials, police, fellow students) because of their bizarre and disturbing behavior. One student told more than 20 friends about his plans, including killing students and planting bombs. Threats were communicated in more than three-fourths of the cases, and in more than half of the incidents, the attacker told more than one person. Some people knew detailed information, while others knew “something spectacular” would happen on a particular date. In less than one-fourth of the cases, the attacker made a direct threat to the target.

Some attacks were motivated by anger towards a particular group. Some of these were racially motivated, while others were an expression of gender hatred. Some kept journals in which they expressed rage against group members. They used social media accounts to engage in racial rants using Nazi terminology. Others were romantically frustrated and used the net.

Shooters came from such a wide variety of backgrounds that no accurate or useful profile of at-risk kids could be developed. Some lived in intact families with strong ties to the community, while others were reared in foster homes with histories of neglect. Some had many friends and were considered popular.

Many shooters had a history of feeling extremely depressed or desperate because they had been picked on or bullied. About three-fourths either threatened to kill themselves, made suicidal gestures, or tried to kill themselves before the attack; six of the shooters studied killed themselves during the incident. The most frequent motivation was revenge. More than three-fourths held a grievance, real or imagined, against the target or others. In most cases, this was the first violent act against the target. Two-thirds of the attackers described feeling persecuted, and in more than three-fourths of the incidents, the attackers had difficulty coping with a major change in a significant relationship or loss of status, such as a lost love or a humiliating failure. Not surprisingly, most shooters had experience with guns and weapons and had access to them at home.

The date of the shooting was not random; most occurred in April. Some dates are chosen to “commemorate” past events, such as the Columbine attack, which occurred on April 20.

Exhibit 10.2 describes some of the most important factors linked to extreme incidents of school violence.

## School Yard Bullying

The profile of the school shooter focused attention on school yard bullying because, in many cases, feelings of persecution and harassment are what set the shooter on their deadly rampage. Experts define school yard **bullying** among children as repeated, negative acts committed by one or more children against another. These negative acts may be physical or verbal in nature—for example, hitting or kicking, teasing, or taunting—or they may involve indirect actions such as manipulating friendships or purposely excluding other children from activities. Implicit in this definition is an imbalance in real or perceived power between the bully and victim.<sup>83</sup>

According to the most recent data available, more than 20% of students ages 12–18 are bullied at school during the school year; encouraging reports suggest that school yard bullying has declined significantly during the past decade. It’s been replaced by widespread engagement in cyberbullying. However, bullying may be increasing, an effect of the depression and stress of the COVID pandemic.<sup>84</sup>

Students’ reports of being bullied vary based on student and school characteristics:

- A higher percentage of female students than of male students reported being bullied at school during the school year (25 vs. 19%).
- Interracial students report being bullied more than students of single-race backgrounds.

### bullying

Repeated, negative acts committed by one or more children against another; the acts may be physical or verbal.

## Exhibit 10.2

### Factors Linked to School Violence

- **Social withdrawal.** In some situations, gradual and eventually complete withdrawal from social contacts occurs. The withdrawal often stems from feelings of depression, rejection, persecution, unworthiness, and lack of confidence.
- **Excessive feelings of isolation and being alone.** Research indicates that in some cases, feelings of isolation and not having friends are associated with children who behave aggressively and violently.
- **Excessive feelings of rejection.** Children who are troubled often are isolated from their mentally healthy peers. Some aggressive children who nonaggressive peers reject seek aggressive friends who, in turn, reinforce their violent tendencies. Some experienced romantic rejection and wanted revenge.
- **Being a victim of violence.** Children who are victims of violence, including physical or sexual abuse in the community, at school, or at home, are sometimes at risk of becoming violent toward themselves or others.
- **Feelings of being picked on and persecuted.** The youth who feels constantly picked on, teased, bullied, singled out for ridicule, and humiliated at home or at school may initially withdraw socially.
- **Low school interest and poor academic performance.** In some situations—such as when the low achiever feels frustrated, unworthy, chastised, and denigrated—acting out and aggressive behaviors may occur.
- **Video games.** The diaries of the Columbine shooters, Dylan Klebold and Eric Harris, suggest addictive behavior with first-person-shooter video games. Although their influence level is controversial, violent video games can have a detrimental impact on vulnerable adolescents. While this does not mean that playing such games leads to homicidal acts, doing so can serve as a facilitator for impressionable adolescents who may not see any other outlet for their psychological pain.
- **Expression of violence in writings and drawings.** Over time, overrepresentation of violence in writings and drawings consistently directed at specific individuals (family members, peers, other adults) may signal emotional problems and the potential for violence.
- **Uncontrolled anger.** Patterns of impulsive and chronic hitting, intimidating, and bullying behaviors, if left unattended, may later escalate into more serious behaviors.
- **History of discipline problems.** Chronic behavior and disciplinary issues in school and at home may suggest that underlying emotional needs are not being met.
- **History of violent and aggressive behavior.** Unless provided with support and counseling, a youth with a history of aggressive or violent behavior is likely to repeat those behaviors. Similarly, youths who engage in overt behaviors such as bullying, generalized aggression, and defiance, and covert behaviors such as stealing, vandalism, lying, cheating, and fire setting also are at risk for more serious aggressive behavior.
- **Membership in hate groups.** Belonging to a hate group and being willing to victimize individuals with disabilities or health problems are seen as precursors to violence.
- **Drug use and alcohol use.** Apart from being unhealthy behaviors, drug use and alcohol use reduce self-control and expose children and youth to violence, either as perpetrators or victims or both.
- **Inappropriate access to, possession of, and use of firearms.** Children and youth who inappropriately possess or have access to firearms can have an increased risk for violence or other emotional problems.
- **Serious threats of violence.** Recent incidents across the country indicate that threats to commit violence against oneself or others should be taken very seriously. Steps must be taken to understand these threats' nature and prevent them from being carried out.

SOURCE: Centers for Disease Control and Prevention, "Understanding School Violence, 2016," [http://www.cdc.gov/violenceprevention/pdf/school\\_violence\\_fact\\_sheet-a.pdf](http://www.cdc.gov/violenceprevention/pdf/school_violence_fact_sheet-a.pdf); Brandi Booth, Vincent Van Hasselt, and Gregory Vecchi, "Addressing School Violence," *FBI Law Enforcement Bulletin*, 2011, <https://leb.fbi.gov/2011/may/addressing-school-violence>. (URLs accessed March 2022.)

- Younger students (6th-, 7th-, and 8th-graders) report being bullied at school compared with 9th-, 10th-, and 12th-graders.
- A higher percentage of students enrolled in rural schools than in schools in other locales reported being bullied at school during the school year.
- Gay, lesbian, or bisexual students are more likely to experience bullying.<sup>85</sup>

### gender policing

Pressure to conform to gender expectations.

**The Effects of Bullying** Studies on bullying suggest short- and long-term consequences for both the perpetrators and the victims of bullying.<sup>86</sup> Students who are chronic victims of bullying experience more physical and psychological problems, such as depression and anxiety, have more health complaints, and skip school more often than their peers who other children do not harass. They tend not to grow out of the role of victim. Young people mistreated by peers may not want to be in school and may thereby miss out on the benefits of educational advancement and the social benefits of being connected to the school environment. On a more serious note, there is evidence linking bullying to suicide.<sup>87</sup>

Bullying is rarely a one-shot deal. Longitudinal studies have found that victims of bullying in early grades also reported being bullied several years later. Studies also suggest that chronically victimized students may, as adults, be at increased risk for depression, poor self-esteem, and other mental health problems, including schizophrenia.<sup>88</sup>

**Who Become Bullies?** There are many views on this issue. Many bullies were victims themselves. Being bullied in early childhood is a critical risk factor in the development of future problems. Sameer Hinduja and Justin Patchin studied data collected from a sample of 4,400 6th-grade through 12th-grade students from 33 schools. They found that bullies were influenced by their perceptions of peer behavior and adult supervision; they believe their friends approve and engage in bullying themselves. At the same time, bullies did not believe that adults would punish them for their aggressive behavior.<sup>89</sup> This research indicates that if adults were willing to take a strong stand against the perpetrators, rather than say things like “boys will be boys” or “let them work it out among themselves,” bullying might be prevented.

Another view is that boys who bully are motivated by a need to prove their masculinity. Terrorizing others is a contrivance that allows them to do so in the easiest way possible. Acting like the bully allows them to express anger and rage—the only acceptable masculine emotions—while hiding emotions such as caring or sensitivity that they consider weak or feminine. Boys, and some girls for that matter, obtain social status by displaying aggression and a willingness to demonstrate power at another’s expense. Some bullying is directed at the opposite sex. Klein claims that boys learn they can assert manhood by being popular with girls and wielding power over them physically, emotionally, and sexually. What develops is **gender policing**, pressure to conform to gender expectations. Students tend to become members of the “gender police,” correcting their own and one another’s behaviors, attitudes, and dress according to their perceived expectations for proper gender performance. By participating in gender policing, and targeting students they perceive to be failing in meeting masculinity norms, bullies can elevate their social status.<sup>90</sup>

Another take is that bullies have a long history of antisocial behaviors that precede their school experiences.<sup>91</sup> Bullies rarely stop their antisocial behavior at the school-yard gate, and bullying may be a critical risk factor in the development of future problems with violence and delinquency. Bullies are more likely to carry weapons in and out of school and get involved with substance abuse. And in addition to threatening other children, bullies are several times more likely than their nonbullying peers to commit antisocial acts, including vandalism, fighting, theft, drunkenness, and truancy, and to have an arrest by young adulthood. So whether bullying is a social phenomenon or a general psychological malaise is still being debated.

**Can Bullying Be Stopped?** Recent research shows that a student’s exposure to motivated bullies and the school’s lack of guardianship efforts were associated with the student’s risk of experiencing bullying victimization.<sup>92</sup> Consequently, experts suggest the following measures to help stop bullying:

- Increase student engagement
- Model caring behavior for students



- Offer mentoring programs
- Provide students with opportunities for service learning as a means of improving school engagement
- Address the difficult transition between elementary and middle school (from a single classroom teacher to teams of teachers with periods and class changes in a large school)
- Start prevention programs early
- Resist the temptation to use prefabricated curricula that are not aligned to local conditions<sup>93</sup>

Clearly, schools that try to protect kids from their more aggressive classmates can help lower the incidence of schoolyard bullying. The International Delinquency Feature reviews two model programs developed abroad that seem to help reduce the bullying problem.

## The Causes of School Crime

What are the suspected causes of school violence? Research indicates that they may be found at the individual, school, and community levels.

**LO7**

List the factors that contribute to delinquency in schools

**Individual-Level Causes** Kids who feel isolated and alone, and have little parental attention, may be the most prone to alienation and substance abuse.<sup>94</sup> The level of student drinking and substance abuse may increase violent crime rates. As substance abuse increases among the student body, so too may school violence rates.<sup>95</sup> Because heavy drinking reduces cognitive ability, information-processing skills, and the ability to process and react to verbal and nonverbal behavior, a student argument may quickly become a full-scale battle.<sup>96</sup>

**School-Level Causes** Schools with high-achieving students, a drug-free environment, strong discipline, and involved parents have fewer behavioral problems in the student body.<sup>97</sup> Conversely, schools whose student body contains large numbers of students with emotional and psychological problems also have high rates of crime and violence.

Another factor related to delinquency is school climate—the quality and character of school life.<sup>98</sup> Schools with a high proportion of students below grade level in reading, with many students from families on welfare, and located in a community with high unemployment, crime, and poverty rates, are also at risk for delinquency.<sup>99</sup> Schools that have clear and firm disciplinary practices, such as expulsion for serious breaches of school rules, are more likely to convince students that misbehavior will not be tolerated.<sup>100</sup>

In general, several characteristics make some schools more conducive to violent student behavior than others:

- Violence is more prevalent in large schools as compared to smaller ones. Given a larger student population, exposure to violent acts on the school campus is greater, leading to more incidents.
- Schools in a city are more likely to experience criminal behaviors and violence than rural schools.
- The physical condition of the school building can influence students' motivation, attitude, and behavior. Buildings that have uncomfortable temperatures, are polluted, have a large amount of graffiti, and need repairs have higher incidences of fighting and other forms of violence. The physical learning atmosphere affects daily conduct.<sup>101</sup>

## Preventing School Yard Bullying

Several programs developed abroad have shown promise in preventing bullying. Two of the best known were established in Scandinavia—the Olweus and KiVa models.

### The Olweus Program

Dan Olweus launched the first and best-known program to reduce bullying among schoolchildren in Norway and Sweden in the early 1980s. Prompted by the suicides of several severely victimized children, Norway supported developing and implementing a comprehensive program to address bullying among children in school. The Olweus Bullying Prevention Program (OBPP) is a school-wide, comprehensive framework focused on systemic change to create a safe and positive school climate. The goals of the OBPP are to:

1. reduce existing bullying problems among students
2. prevent new bullying problems
3. achieve better peer relations

These goals are pursued by restructuring the school environment to reduce opportunities and rewards for bullying, encouraging pro-social behaviors, and building a sense of community. The OBPP is designed for students at all levels and involves all staff, students, parents, and the community in bullying prevention efforts. All students participate in most aspects of the program, while students who bully others and students who are bullied receive additional individualized interventions.

The program involved interventions at multiple levels:

- **Schoolwide interventions.** A survey of bullying problems at each school, increased supervision, schoolwide assemblies, and teacher in-service training to raise the awareness of children and school staff regarding bullying.

- **Classroom-level interventions.** The establishment of classroom rules against bullying, regular class meetings to discuss bullying at school, and meetings with all parents.
- **Individual-level interventions.** Discussions with students to identify bullies and victims.

Many research studies have found the program to be highly effective in reducing bullying and other antisocial behavior among students in primary and secondary schools. In some studies, boys and girls report that bullying has decreased by half within two years of implementation. These changes in behavior were more pronounced the longer the program was in effect. Moreover, students reported significant decreases in rates of truancy, vandalism, and theft, and indicated that their school's climate was significantly more positive due to the program. Not surprisingly, those schools that had implemented more of the program's components experienced the most marked changes in behavior.

The core components of the Olweus antibullying program have been adapted for use in several other cultures, including Canada, England, and the United States. The results have been similar: schools that were more active in implementing the program observed the most marked changes in reported behaviors. Maria Ttofi and her associates recently conducted a meta-analysis of 59 studies testing the effectiveness of bullying prevention programs worldwide. They found that while many were successful, the Olweus system worked best.

### The KiVa Antibullying Program

Created in Finland, KiVa is a school-based program that uses social-cognitive theory to understand social behavior. KiVa

**Community-Level Causes** Crime in schools reflects the patterns of antisocial behavior that exist in the surrounding neighborhood.<sup>102</sup> Schools in high-crime areas experience more crime than schools in safer areas. Students who report being afraid in school are actually more afraid of being in city parks, streets, or the subway. Because of this fear, students in high-crime areas may carry weapons for self-protection as they go from home to school.<sup>103</sup>

Schools experiencing crime and drug abuse are most likely to be found in socially disorganized neighborhoods with a high proportion of students below grade level in reading, many students from families on welfare, and high unemployment and



predicts that changes in group behaviors can reduce bullying by reducing the rewards of bullying. All students in grades 1, 4, and 7 participate in the program designed for national use in the Finnish comprehensive schools. The goal is to reduce school bullying and victimization. The central aims of the program are to:

- Raise awareness of the role that a group plays in maintaining bullying
- Increase empathy toward victims
- Promote strategies to support the victim and to support children's self-efficacy to use those strategies
- Increase children's skills in coping when they are victimized

The program is a whole-school intervention, meaning that it uses a multilayered approach to address individual-, classroom-, and school-level factors. The curriculum consists of 10 lessons delivered over 20 hours by classroom teachers. The students engage in discussions, group work, and role-playing exercises. They also watch short films about bullying. Each lesson is constructed around a central theme, and one rule is associated with that theme; after the lesson is delivered, the class adopts that rule as a class rule. At the end of the year, all the rules are combined into a contract, which all students then sign.

A program manual provides guidelines to the teachers on how much time should be devoted to each theme. Schools have the flexibility to decide how to organize the school year around the themes. Manuals and curricula are developmentally targeted, with versions available for grades 1–3, 4–6, and 7–9.

For primary school children, an antibullying computer game has been developed that students can play during and between the KiVa lessons. For secondary students, a virtual

learning environment, "KiVa Street," has been developed; on KiVa Street, students can access information about bullying from a "library," or they can go to the "movie theater" to watch short films about bullying.

The program actively engages the school and parents. For recess, special vests are given to the playground helpers to enhance their visibility and remind students that the school takes bullying seriously. Materials posted around the school promote anti-bullying messages. Schools can use a PowerPoint presentation to introduce the program to school staff and parents, and parents receive a guide that includes information about and advice on dealing with bullying.

In addition to prevention messages, teams are in place to deal with identified bullying cases. The three-person team meets with the classroom teacher to discuss the identified case. Then one or two team members meet with the victim (or victims) and the bully in a series of sessions.

### Critical Thinking

Should school yard bullies be expelled from school? Would such a measure make a bad situation worse? For example, might expelled bullies shift their aggressive behavior from the school yard to the community?

SOURCE: Clemson University, Olweus Bullying Prevention Program (OBPP) <https://olweus.sites.clemson.edu/> (Accessed Jan 2022); Nicolai Topstad Borgen, Dan Olweus, Lars Johannessen Kirkebøen, Kyrre Breivik, Mona Elin Solberg, Ivar Frønes, Donna Cross, Oddbjørn Raaum, "The Potential of Anti-Bullying Efforts to Prevent Academic Failure and Youth Crime. A Case Using the Olweus Bullying Prevention Program (OBPP)," *Prevention Science* 22: 1147–1158 (2021); Dan Olweus, "A Useful Evaluation Design, and Effects of the Olweus Bullying Prevention Program," *Psychology, Crime and Law* 11:389–402 (2005); National Institute of Justice, "KiVa Antibullying Program," <http://www.crimesolutions.gov/ProgramDetails.aspx?ID=100>; Ken Seeley, Martin Tombari, Laurie Bennett, and Jason Dunkle, "Bullying in Schools: An Overview," *OJJDP Juvenile Justice Bulletin*, December 2011, <http://www.ojjdp.gov/pubs/234205.pdf>;

poverty rates.<sup>104</sup> Neighborhoods with high population density and transient populations also have problem-prone schools.<sup>105</sup> In contrast, schools located in more stable areas, with high-achieving students, drug-free environments, and involved parents, have fewer behavioral problems within the student body.<sup>106</sup>

Community influences may undermine school stability and climate.<sup>107</sup> Poverty in a school's surrounding area influences the social characteristics of students. They may lack the readiness and interest to learn compared to students from more affluent neighborhoods. Poor areas may find it difficult to hire and retain the most qualified faculty and/or provide students with the most up-to-date equipment

and books. Because poor communities have lower tax bases, they are handcuffed when they want to provide remedial programs for students with learning issues or enrichment programs for the gifted. Finally, parents and other students have neither the time nor the resources to become involved in school activities or participate in governance. These factors may eventually undermine the school climate and destabilize the educational environment, which then leads to school crime and disorder.

In sum, there are both school-level and community-level influences on school crime and violence. There is also an interaction effect: Violence often starts with conflicts beginning in the community, which then migrate to the school. Gang affiliations and conflicts begun in the neighborhood carry over into school. Tensions between rival gangs escalate during school hours and then get resolved violently after school ends. The school experience amplifies gang conflicts: while rival gang members can avoid each other in the community, they are forced to be in close proximity at school. So the most serious incidents of school-related violence may occur beyond the school grounds and immediately following school hours, yet are actually tied to the school setting and are the result of incidents that occur during the school day.<sup>108</sup>

## LO8

Evaluate the efforts school systems are making to reduce crime on campus

## Reducing School Crime

Schools around the country have mounted a campaign to reduce the incidence of delinquency on campus. Nearly all states have developed some sort of crime-free, weapon-free, or safe-school zone statute. Most have defined these zones to include school transportation and school-sponsored functions. Schools are also cooperating with court officials and probation officers to share information and monitor students who have criminal records. School districts are formulating crisis prevention and intervention policies and are directing individual schools to develop safe-school plans.

Some schools have instituted strict controls over student activity—for example, making locker searches, preventing students from having lunch off campus and using patrols to monitor drug use. Several jurisdictions have adopted a **zero-tolerance policy** that mandates predetermined punishments for specific offenses, most often possession of drugs, weapons, and tobacco, and also for engaging in violent behaviors. Some suspend students for bringing any weapon to school, having over-the-counter medications like aspirin or Midol, saying anything that could be perceived as a threat, or even talking back to a teacher and cutting in the lunch line. An extensive review of the literature found that, despite a 20-year history of implementation, little evidence suggests that a zero-tolerance approach to school discipline is effective.<sup>109</sup> Critics argue that these policies breed contempt for the rule of law, irreparably harm students' notions of fairness and justice, and contribute to creating the same divisions between students and teachers between citizens and law enforcement; their weight falls disproportionately on minority students.<sup>110</sup>

### zero-tolerance policy

Mandating that action be taken for the slightest infraction of a school or criminal code violation.

**School Security Efforts** After the Uvalde, Texas, shooting, where police officers failed to take action for more than an hour, school systems around the country began reviewing their security plans to restrict entry of dangerous persons onto school property. Some now have visitors sign in before entering, and most close the campus for lunch. Schools have attempted to ensure the physical safety of students and staff by using mechanical security devices such as surveillance cameras, metal detectors, and electronic barriers to keep out intruders. They have also employed roving security guards. Security measures include the following:

- **Access control.** Most schools control access to school buildings by locking or monitoring doors. About one-third of schools control access to school grounds with locked or monitored gates.



- **Lighting.** Some administrators keep buildings dark at night, believing that brightly illuminated schools give the buildings too high a profile and attract vandals who might not have bothered with the facility, or even noticed it, if the premises were not illuminated.
- **Picture IDs.** Many schools require faculty or staff to wear picture IDs; a few require students to wear similar identification.
- **Book bags.** Some schools require transparent book bags or ban book bags altogether.
- **Random checks.** Some schools use random metal detector checks, random dog sniffs, and random sweeps for contraband.
- **Security cameras.** About half of all schools use one or more security cameras to monitor the school.
- **Cybersecurity.** Schools have been hit by cyber attacks, including ransomware placed on their computer systems. As a result, educational personnel are now being trained in countermeasures while districts restrict individuals who have access to the school's or district's networks and systems.
- **Security officers.** Schools employ both private security agents and school resource officers provided by local departments.

While security efforts have become a priority in light of school shootings, questions still remain about security effectiveness. Research comparing crime rates in schools that employ security measures such as cameras and CCTV with schools that do not use such methods have found insignificant behavioral differences.<sup>111</sup> Consequently, the effectiveness of these measures is still open to debate. While school security measures may actually lower student crime, they may also result in greater detection, and the two results cancel each other out. Another possibility: measures taken to reduce crime produce student hostility and alienation, attitudes that actually increase student misbehavior.

**Employing Law Enforcement** In the aftermath of highly publicized school crimes and shootings, some cities created School Safety Agents (SSA) to handle security within the school system. Local police departments administered the programs, which oversaw policy, hiring, training, and so on. School Safety Agents provide security for students, faculty, and visitors in school buildings by patrolling corridors, screening visitors, and responding to student conflicts. At its peak, NYC employed more than 5,000 school safety agents.<sup>112</sup>

Other jurisdictions use school resource officers (SRO) who are sworn law-enforcement officers, most fully armed, who are assigned to work, either full or part time, in a school setting. Under the best of circumstances, these are fully active police who have had some special training on how to work with youths. In addition to law enforcement duties, an SRO may offer to help counsel students and even give lectures.

Many educational systems are now loathe to involve local police or uniformed security officers to maintain security or get involved in school-based crimes. Educational institutions most often distance themselves from law enforcement agencies by not reporting violent youth to the police. One reason is that when students are reported, it significantly increases the likelihood that they will end up in handcuffs, especially if the youth is male or a student of color.<sup>113</sup> Some districts have taken action. In 2021, in reaction to charges that the system was racially biased, New York City announced that by the end of 2022, it would transfer the school safety agents from the supervision of the New York police department to the Department of Education (DoE). More than 30 other school districts in places like Oakland, California, and Madison, Wisconsin, have defunded their SSA program or changed how the

programs are administered.<sup>114</sup> Other cities, including Seattle, Portland, Denver, and Minneapolis, have ended their SRO program, while others have made significant budget cuts.

**Improving the School Climate** Some critics complain that even when security methods are effective, they reduce the morale of the staff and students. Tighter security may reduce acts of crime and violence in school, only to displace them in the community. Similarly, expelling or suspending troublemakers puts them on the street with nothing to do. In the end, lowering the level of crime in schools may not reduce the total amount of crime committed by young people.<sup>115</sup>

A more realistic approach might involve identifying at-risk students early and exposing them to prosocial skills rather than threatening them with consequence-based punishments.<sup>116</sup> In addition to controlling gangs and drugs in the school, administrators who apply school rules evenly and increase the certainty of punishment for breaking school rules can create the multifaceted approach needed to provide a safer school environment.<sup>117</sup>

Another approach to improving the school climate is to increase educational standards. Programs have been designed to improve the standards of the teaching staff and administrators and the educational climate in the school, increase the relevance of the curriculum and provide law-related education classes. Efforts to improve school climate should be encouraged. Recent research efforts have found preliminary support for the link between school climate and delinquency. Schools that encourage order, organization, and student bonding may also experience a decline in disorder and crime.<sup>118</sup>

The U.S. government suggests that schools create an overall threat assessment plan and then carry it through. The model plan appears in Exhibit 10.3.

## LO9

Explain what is being done to improve school climate and increase educational standards

## The Role of the School in Delinquency Prevention

Numerous organizations and groups have called for reforming the educational system to make it more responsive to the needs of students. Educational leaders now recognize that children undergo enormous pressures in school that can lead to emotional and social problems. At one extreme are the pressures to succeed academically; at the other are the crime and substance abuse students face on school grounds. It is difficult to talk of achieving academic excellence in a deteriorated school dominated by gang members.

Education officials have instituted numerous programs to make schools more effective instruments of delinquency prevention.<sup>119</sup> Some of the most prevalent strategies are as follows:

- **Cognitive.** Increase students' awareness about the dangers of drug abuse and delinquency.
- **Affective.** Improve students' psychological assets and self-image to give them the resources to resist antisocial behavior.
- **Behavioral.** Train students in techniques to resist peer pressure.
- **Environmental.** Establish school management and disciplinary programs that deter crime, such as locker searches.
- **Therapeutic.** Treat youths who have already manifested problems.

More specific suggestions include creating special classes or schools with individualized programs that foster success for nonadjusting students. Educators can make efforts to help students deal constructively with academic failure and or other problems when it does occur. The following Treating Delinquency Feature discusses a dedicated high school program aimed at helping kids deal with substance abuse problems.

## Exhibit 10.3

# Creating a Targeted Violence Prevention Plan

A threat assessment aims to identify students of concern, assess their risk for engaging in violence or other harmful activities, and identify intervention strategies to manage that risk. This process begins with establishing a comprehensive targeted violence prevention plan that requires schools to:

### Step 1: Establish a Multidisciplinary Threat Assessment Team

Establish a multidisciplinary threat assessment team of school personnel, including faculty, staff, administrators, coaches, and available school resource officers who will direct, manage, and document the threat assessment process.

### Step 2: Define Behaviors

Define prohibited behaviors, including those that should trigger immediate intervention (e.g., threats, violent acts, and weapons on campus) and other concerning behaviors that require a threat assessment.

### Step 3: Establish and Provide Training on a Central Reporting System

Establish and provide training on a central reporting system such as an online form on the school website, email address, phone number, smartphone application, or other mechanisms. Ensure that it provides anonymity to those reporting concerns and has personnel who will follow up on all reports.

### Step 4: Determine the Threshold for Law Enforcement Intervention

Determine the threshold for law enforcement intervention, especially if there is a safety risk.

### Step 5: Establish Threat Assessment Procedures

Establish threat assessment procedures that include practices for maintaining documentation, identifying sources of information, reviewing records, and conducting interviews. Procedures should include the following investigative themes to guide the assessment process:

- **Motive:** What motivated the student to engage in the behavior of concern? What is the student trying to solve?
- **Communications:** Have there been concerning, unusual, threatening, or violent communications? Are there communications about thoughts of suicide, hopelessness, or information relevant to the other investigative themes?
- **Inappropriate Interests:** Does the student have inappropriate interests in weapons, school attacks or

attackers, mass attacks, or other violence? Is there a fixation on an issue or a person?

- **Weapons Access:** Is there access to weapons? Is there evidence of manufactured explosives or incendiary devices?
- **Stressors:** Have there been any recent setbacks, losses, or challenges? How is the student coping with stressors?
- **Emotional and Developmental Issues:** Is the student dealing with mental health issues or developmental disabilities? Is the student's behavior a product of those issues? What resources does the student need?
- **Desperation or Despair:** Has the student felt hopeless, desperate, or like they are out of options?
- **Violence as an Option:** Does the student think violence is a way to solve a problem? Have they in the past?
- **Concerned Others:** Has the student's behavior elicited concern? Was the concern related to safety?
- **Capacity:** Is the student organized enough to plan and execute an attack? Does the student have the resources?
- **Planning:** Has the student initiated an attack plan, researched tactics, selected targets, or practiced with a weapon?
- **Consistency:** Are the student's statements consistent with their actions or what others observe? If not, why?
- **Protective Factors:** Are there positive and prosocial influences in the student's life? Does the student have a positive and trusting relationship with an adult at school? Does the student feel emotionally connected to other students?

### Step 6: Develop Risk Management Options

Develop risk management options to enact once an assessment is complete. Create individualized management plans to mitigate identified risks. Notify law enforcement immediately if the student is thinking about an attack, ensure the safety of potential targets, create a situation less prone to violence, redirect the student's motive, and reduce the effect of stressors.

### Step 7: Create and Promote a Safe School Climate

Create and promote a safe school climate built on a culture of safety, respect, trust, and emotional support. Encourage communication, intervene in conflicts and bullying, and empower students to share their concerns.

SOURCE: U.S. Government, Cybersecurity and Infrastructure Security Agency, School Safety and Security, 2022 <https://www.cisa.gov/school-safety-and-security>

# Treating Delinquency

## Recovery High Schools (RHSs)

Recovery high schools (RHSs) are alternative schools for youth who have substance abuse problems. Originally developed in the late 1970s, more than 30 recovery high schools are in operation across the U.S., and more are either starting up or more planned. California, Texas, Massachusetts, and Minnesota have the largest concentration of schools of any state, and there are currently more recovery schools than therapeutic boarding and treatment center schools combined.

Recovery schools have a limited number of students, averaging 30–40 students per school, but can meet all state requirements for awarding secondary school degrees while at the same time providing therapeutic training to support the special needs of youth in recovery from substance abuse. Services include daily group check-ins, peer support groups, individual or group counseling sessions, and community service requirements. RHS aim to support students' social and communal capital by fostering social connectedness with sober peers and supportive school staff.

Enrollment in RHSs is typically voluntary, with students enrolling after a referral from a substance use treatment center, counselor, parent, or health professional. Most RHSs do not require students to have previously been in substance abuse treatment, but they do require students to pledge their commitment to sobriety and recovery during enrollment.

Given increased recognition of addiction as a chronic, relapsing condition, attendance in a program with like-minded peers can be an important step in recovery. In contrast, attending a school with drug-abusing peers is one of the strongest risk factors for relapse due to the peer pressure and deviant behavior modeling that can occur within a peer group.

Research supports the RHS program's effectiveness at decreasing substance use and increasing high school completion. RHSs may help students reduce both their substance use and delinquency by providing them with a close network of sober, supportive, and prosocial peers.

### Critical Thinking

Is it fair to provide special educational opportunities for drug-involved youth at the same time that cuts and restrictions on gifted and talented programs are in effect? Should kids be “rewarded” with small class sizes and expensive treatment initiatives when abusing drugs, luxuries not typically available to so-called average students?

SOURCE: Emily Tanner-Smith & Lindsey Nichols & Christopher Loan & Andrew Finch & D. Paul Moberg, “Recovery High School Attendance Effects on Student Delinquency and Substance Use: the Moderating Role of Social Problem Solving Styles,” *Prevention Science* 21:1104–1113 (2020).

More personalized student–teacher relationships have been recommended. This effort to provide young people with a caring, accepting adult role model will, it is hoped, strengthen the controls against delinquency. Counselors acting as liaisons between the family and the school might also be effective in preventing delinquency. These counselors try to ensure cooperation between the parents and the school and to secure needed services for troubled students. Some programs that help families and schools develop conflict-avoidance skills have proven effective in reducing violence levels and helping restrict disciplinary measures such as suspensions and expulsions.<sup>120</sup>

Experiments have been proposed to integrate job training and experience with classroom instruction, allowing students to see education as a relevant prelude to their careers. Job training programs emphasize public service, encouraging students to feel attached to their communities.

Because three out of four mothers with school-age children are employed, and two-thirds of them work full time, there is a growing need for after-school programs. Today, after-school options include child care centers, tutoring programs at school, dance groups, basketball leagues, and drop-in clubs. State and federal budgets for education, public safety, crime prevention, and child care provide some funding for after-school programs. Research shows that younger children (ages 5 to 9)



and those in low-income neighborhoods gain the most from after-school programs, showing improved work habits, behavior with peers and adults, and performance in school. Young teens who attend after-school activities achieve higher grades in school and engage in less risky behavior. These findings must be interpreted with caution. Because after-school programs are voluntary, participants may be the more motivated youngsters in a given population and the least likely to engage in antisocial behavior.<sup>121</sup> There is little evidence that attending after-school programs can have a measurable influence on delinquency.<sup>122</sup>

## Legal Rights in the School

**LO10** Summarize the legal rights of students

In 2016, a federal appeals court in Richmond, Virginia, ruled that Gavin Grimm, a transgender high school student born female, could sue his school board on discrimination grounds because it had barred him from using the boys' bathroom. The court relied on the U.S. Education Department's stated policy that transgender students should have full access to the bathrooms that match their gender identities rather than being forced to use bathrooms that correspond with their biological sex. Such policies would clash with Title IX of the Education Act, which prohibits sex discrimination at schools that receive federal funding. The Fourth Circuit is the highest court to decide whether bathroom restrictions constitute sex discrimination. The decision could have widespread implications for the battle over LGBTQ (lesbian, gay, bisexual, transgender, questioning/queer) rights in several states. Why is this issue so important? Transgender students say that using the bathroom that corresponds with their gender identity is important for them—and others—to feel comfortable. A transgender boy who appears male may generally raise alarms if he is forced to use the girls' bathroom. "Matters like identity and self-consciousness are something that most kids grapple with in this age range," Grimm said in an interview. "When you're a transgender teenager, these things are often very potent. I feel humiliated and dysphoric every time I'm forced to use a separate facility."<sup>123</sup> The Supreme Court decided not to hear the case, allowing the Fourth Circuit ruling to stand. In 2021, a settlement was reached in which the school district agreed to pay Grimm \$1.3 million for his legal fees.

Issues such as the legal rights of LGBTQ students have become critical legal issues within the educational setting. The actions of education officials, who are interested in maintaining school discipline, often run into opposition from the courts, which are concerned with maintaining the legal rights of minors. The U.S. Supreme Court has sought to balance students' civil liberties with the school's mandate to provide a safe environment. Three of the main issues involved are privacy, free speech in school, and school discipline.

## The Right to Personal Privacy

One major issue is the right of school officials to search students and their possessions on school grounds. Drug abuse, theft, assault and battery, and racial conflicts in schools have increased the need to take action against troublemakers. School administrators have questioned students about their illegal activities, conducted searches of students' persons and possessions, and reported suspicious behavior to the police.

In 1984, in *New Jersey v. T.L.O.*, the Supreme Court helped clarify a vexing problem: whether the Fourth Amendment's prohibition against unreasonable searches and seizures applies to school officials and police officers.<sup>124</sup> In this case, the Court found that students are, in fact, constitutionally protected from illegal searches. Still, school officials are not bound by the same restrictions as law enforcement agents. In the world outside of school, police need "probable cause" before they can search. Still, educators can legally search students when there are reasonable grounds to believe the students have violated the law or broken school rules. In creating this distinction, the

### *New Jersey v. T.L.O.*

The Fourth Amendment controls on search and seizure apply to school officials as well as police.

Court recognized the needs of school officials to preserve an environment conducive to education and secure students' safety.

### **Safford Unified School District v. Redding**

School searches must be reasonable and, considering the circumstances of the case, not overly intrusive.

**Limiting Searches** But how far can school officials go in their student searches? Are there limits to their freedom to preserve a safe school environment? The Court clarified this issue in **Safford Unified School District v. Redding**, a 2009 case that drew national headlines. Savana Redding was a 13-year-old eighth-grade honors student at Safford Middle School, located about 127 miles from Tucson, Arizona. On October 3, 2003, the school's vice principal took her out of class. One of Redding's classmates had been caught possessing prescription-strength ibuprofen (400 mg—the strength of two Advils). When asked where she got the pills, she blamed Redding, who had no history of disciplinary issues or drug abuse.

Redding claimed she did not know about the pills, but she was subjected to a strip search by the school nurse and another female employee. The school had a zero-tolerance policy for all over-the-counter medication (which students could not possess without prior written permission). During the search, Redding was forced to strip to her underwear, and the staff pulled her bra and underpants away from her body. No drugs were found. She later told authorities, "The strip search was the most humiliating experience I have ever had. I held my head down so that they could not see that I was about to cry."

After a trial court ruled that the search was legal, Redding sought help from the American Civil Liberties Union, whose attorneys brought an appeal before the Ninth Circuit Court. Here the judges ruled that the search was "traumatizing" and illegal, stating that "common sense informs us that directing a 13-year-old girl to remove her clothes, partially revealing her breasts and pelvic area, for allegedly possessing ibuprofen . . . was excessively intrusive." It further went on to say, "The overzealousness of school administrators in efforts to protect students has the tragic impact of traumatizing those they claim to serve. And all this to find prescription-strength ibuprofen."

Rather than let the appellate court decision stand, the school district appealed the case to the U.S. Supreme Court. The district complained that restrictions on conducting student searches would cast a "roadblock to the kind of swift and effective response that is too often needed to protect the very safety of students, particularly from the threats posed by drugs and weapons."<sup>125</sup> On June 25, 2009, the Supreme Court held that the search indeed violated Redding's Fourth Amendment rights.<sup>126</sup> With Justice David Souter writing for the majority, the Court agreed that search measures used by school officials to root out contraband must be "reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction." In Redding's case, school officials did not have sufficient suspicion to extend the search to her underwear. In a separate opinion, Justice John Paul Stevens agreed that the strip search was unconstitutional and the school administrators should be held personally liable for damages: "It does not require a constitutional scholar to conclude that a nude search of a 13-year-old child is an invasion of constitutional rights of some magnitude." (His opinion was in response to the majority's ruling that school officials could not be held personally liable because the law was unclear before the *Safford* decision.) The only justice to disagree with the main finding was Clarence Thomas. He concluded that the judiciary should not meddle with the decisions of school administrators that are intended to be in the interest of school safety.

### **J.D.B. v. North Carolina**

A suspect's age must be considered in determining whether a confession was freely given and whether they believed they were in custody.

**Limiting Interrogations** In addition to searches, the Supreme Court, in **J.D.B. v. North Carolina**, has also addressed the issue of questioning students on school grounds. In this case, police stopped and questioned petitioner J.D.B., a 13-year-old seventh-grade student, upon seeing him near the site of two home break-ins. Five days later, a digital camera matching one of the stolen items was

found at J.D.B.'s school and seen in his possession. An investigator went to the school and had J.D.B. taken from his classroom to a closed-door conference room. Police and school administrators questioned him for at least 30 minutes about the crime without first warning him about his right to remain silent (i.e., they did not give him a *Miranda* warning). They also did not allow him to call his grandmother, his legal guardian, or tell him he was free to leave the room. He confessed after officials urged him to tell the truth and told him about the prospect of juvenile detention. After he confessed, investigators advised him that he could refuse to answer questions and was free to leave. Asked whether he understood, J.D.B. nodded, provided further detail, and wrote a statement. When later petitioned to juvenile court, his attorney pointed out that J.D.B. had been interrogated in a custodial setting without being afforded *Miranda* warnings and that his statements were involuntary. He was adjudicated delinquent, a finding affirmed by the North Carolina appellate courts found that he was not in custody when interrogated, so *Miranda* need not apply. However, the Supreme Court reversed this finding, stating that a child's age must be considered during an interrogation. Unlike an adult, an under-age student taken from a classroom and interrogated by police on school grounds might consider themselves in custody and feel coerced into confessing. Age, the Court ruled, must be considered when determining whether a person's statements to police were freely given or illegally induced.<sup>127</sup>

**Drug Testing** Another critical issue involving privacy is the drug testing of students. In 1995, the Supreme Court extended schools' authority to search by legalizing a random drug-testing policy for student athletes. The Supreme Court's decision in *Vernonia School District 47J v. Acton* expanded the power of educators to ensure safe learning environments.<sup>128</sup> The testing was allowed because drugs seriously threaten public safety and children's rights to receive a decent and safe education. In a subsequent case, *Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al.*, the court extended the right to test for drugs to all students. The court ruled that such a policy was a reasonable means of furthering the school district's important interest in preventing and deterring drug use among its schoolchildren. It does not violate the students' rights to privacy or due process rights. The Court concluded that the means used to enforce a drug search policy in both cases was not overly invasive or intruded on the students' privacy. Under the policy, a faculty monitor would wait outside a closed restroom stall for the student to produce a sample and must listen for the normal sounds of urination to guard against tampered specimens and ensure an accurate chain of custody. The policy requires that test results be kept in confidential files separate from a student's other records and released to school personnel on a "need to know" basis. Moreover, the test results are not turned over to any law enforcement authority. Nor do the test results lead to the imposition of discipline or have any academic consequences. Rather, the only consequence of a failed drug test is to limit the student's privilege of participating in extracurricular activities.<sup>129</sup>

***Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al.***

Drug testing of students by school officials, if done in a reasonable fashion, is a legitimate exercise of school authority.

**Academic Privacy** Students have the right to expect that their records will be kept private. Although state laws govern the disclosure of information from juvenile court records, a 1974 federal law—the Family Educational Rights and Privacy Act (FERPA)—restricts disclosure of information from a student's education records without parental consent.<sup>130</sup> The act defines an education record to include all records, files, and other materials, such as photographs, containing information related to a student that an education agency maintains. In 1994, Congress passed the Improving America's Schools Act, which allowed educational systems to disclose education records under these circumstances: (1) state law authorizes the disclosure, (2) the disclosure is to a juvenile justice agency, (3) the disclosure relates to the justice system's ability to provide pre-adjudication services to a student, and (4) state or local officials certify in writing that the institution or individual

receiving the information has agreed not to disclose it to a third party other than another juvenile justice system agency.<sup>131</sup>

## Free Speech

### passive speech

A form of expression protected by the First Amendment but not associated with actually speaking words; examples include wearing symbols or protest messages on buttons or signs.

### active speech

A form of expression that involves speaking or taking some other physical action such as parading with a banner.

### *Tinker v. Des Moines Independent Community School District*

Students have freedom of speech unless it disrupts the operation of the school.

### *Bethel School District No. 403 v. Fraser*

A school has the right to control lewd and offensive speech that undermines the educational mission.

### *Hazelwood School District v. Kuhlmeier*

School officials have the right to censor “active speech”—for example, controlling the content of articles in a student publication.

Freedom of speech is guaranteed in the First Amendment to the U.S. Constitution. This right has been divided into two categories as it affects children in schools: passive and active speech. **Passive speech** is a form of expression not associated with actually speaking words; examples include wearing armbands or political protest buttons. In contrast, **active speech** involves speaking or taking other physical action, such as parading with a banner.

The most important Supreme Court decision concerning a student’s right to passive speech was in 1969 in the case of *Tinker v. Des Moines Independent Community School District*.<sup>132</sup> This case involved the right to wear black armbands to protest the war in Vietnam. Three high school students, ages 16, 15, and 13, were suspended for wearing the armbands. The decision is significant because it recognizes the child’s right to free speech in a public school system. Justice Abe Fortas stated in his majority opinion, “Young people do not shed their constitutional rights at the schoolhouse door.”<sup>133</sup> *Tinker* established two things: (1) a child is entitled to free speech in school under the First Amendment of the U.S. Constitution, and (2) the test used to determine whether the child has gone beyond proper speech is whether he or she materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.

The concept of active speech was at issue again in the 1986 case *Bethel School District No. 403 v. Fraser*.<sup>134</sup> This case upheld a school system’s right to suspend or otherwise discipline a student who uses obscene or profane language and gestures. Matthew Fraser, a Bethel high school student, used sexual metaphors to make a speech nominating a friend for the student office. His statement included these remarks:

I know a man who is firm—he’s firm in his pants, he’s firm in his shirt, his character is firm—but most . . . of all, his belief in you, the students of Bethel, is firm.

Jeff Kuhlman is a man who takes his point and pounds it in. If necessary, he’ll take an issue and nail it to the wall. He doesn’t attack things in spurts—he drives hard, pushing and pushing until finally—he succeeds.

Jeff is a man who will go to the very end—even the climax—for each and every one of you.

So vote for Jeff for A.S.B. vice president—he’ll never come between you and the best our high school can be.

The Court found that a school has the right to control lewd and offensive speech that undermines the educational mission. The Court distinguished between the sexual content of Fraser’s remarks and the political nature of *Tinker*’s armband. It ruled that the pervasive sexual innuendo of Fraser’s speech interfered with the school’s mission to implant “the shared values of a civilized social order” in the student body.

In a 1988 case, *Hazelwood School District v. Kuhlmeier*, the Court extended the right of school officials to censor “active speech” when it ruled that the principal could censor articles in a student publication.<sup>135</sup> In this case, students had written about their personal experiences with pregnancy and parental divorce. The majority ruled that censorship was justified in this case because school-sponsored publications, activities, and productions were part of the curriculum and therefore designed to impart knowledge. Control over such school-supported activities could be differentiated from the action the *Tinkers* initiated on their own accord. In a dissent, Justice William J. Brennan accused school officials of favoring “thought control.”



**Off-Campus Speech** In addition to speech on campus, students have been disciplined for their off-campus activities, such as posting messages on their internet web pages that school officials consider defamatory.<sup>136</sup> What rights do students have to express themselves away from school grounds? It depends on the circumstances. In what has come to be known as the “Bong Hits for Jesus” case, the Supreme Court in *Morse v. Frederick* ruled that school officials can control student speech at off-campus events. In 2002, Joseph Frederick unveiled a 14-foot paper sign on a public sidewalk outside his high school in Juneau, Alaska, that linked marijuana smoking and Jesus. The school principal confiscated it and suspended Frederick. He sued, and his case went all the way to the Supreme Court. The justices concluded that Frederick’s free speech rights were not violated because it was reasonable to conclude that the banner promoted illegal drug use. Had the principal failed to act, it would send a powerful message to the students that the school condoned pro-drug messages.<sup>137</sup>

In an Oregon case, a federal circuit court extended the school’s right to discipline students for inappropriate words and deeds to off-school locations. A middle school student suspended for harassing two younger students and making highly inappropriate sexual remarks brought the action. The student challenged his suspension under the First Amendment, arguing that because the harassment occurred off-campus, in a public park, the school lacked the authority to discipline his behavior. The appellate court ruled that (1) the school district had the authority to discipline the plaintiff for his off-campus, sexually harassing speech; (2) the plaintiff’s suspension was permissible under the First Amendment; (3) that the plaintiff was provided the informal procedures that the Constitution requires for a two-day, out-of-school suspension; and (4) the plaintiff failed to show that he has a substantive due process interest in maintaining a clean, nonstigmatizing school disciplinary record.<sup>138</sup>

Can schools control off-campus cyber communications? Now that the average teen is more likely to communicate digitally than verbally, this issue has become significant for school authorities. It is addressed in the following Focus on Delinquency feature.

## School Prayer

One of the most divisive issues involving free speech is school prayer. While some religious-minded administrators, parents, and students want to have prayer sessions in schools or have religious convocations, others view the practice both as a violation of the principle of separation of church and state and as an infringement on the First Amendment caution against creating a state-approved religion. The 2000 case of *Santa Fe Independent School District, Petitioner v. Jane Doe* helps clarify the issue.<sup>139</sup>

Before 1995, the Santa Fe High School student who occupied the school’s elective office of student council chaplain delivered a prayer over the public address system before each varsity football game for the entire season. After the practice was challenged in federal district court, the school district adopted a different policy that permitted, but did not require, prayer initiated and led by a student at all home games. The district court entered an order modifying that policy to permit only nonsectarian, nonproselytizing prayer. However, a federal appellate court held that, even as modified, the football prayer policy was invalid. This decision was appealed to the U.S. Supreme Court, which ruled that prayers led by an elected student undermine the protection of minority viewpoints. Such a system encourages divisiveness along religious lines and threatens the students not desiring to participate in a religious exercise.

Although the *Santa Fe* case severely limits school-sanctioned prayer at public events, the Court has not totally ruled out the role of religion in schools. In *Good News Club v. Milford Central School* (2001) ruling, the Supreme Court required an upstate

### *Morse v. Frederick*

School officials can control student speech at off-campus events.

### *Santa Fe Independent School District, Petitioner v. Jane Doe*

Student-led prayers at a school football game are inappropriate and violate the First Amendment separation of church and state.

# Focus on Delinquency

## Free Speech in Cyberspace

Free speech has become a significant issue in the educational system because the cyber age provides numerous opportunities for students to test its limits. They may use personal websites, Twitter messages, texts and emails that are quickly spread among the student body, or YouTube postings that show secretly made recordings of teachers in unflattering poses.

Until recently, courts were split on how to deal with off-campus cyber speech. In some cases, a student's right to free speech was upheld, while in others, it was regulated and the student punished. Take, for instance, the case of *Layshock v. Hermitage School District*. High school senior Justin Layshock sued Mercer County's Hermitage School District after he was suspended for 10 days for creating what he called a "parody profile" of his school principal. The webpage largely consisted of jokes about the principal's size and weight. On appeal, the Third Circuit Court ruled the suspension violated Layshock's right to freedom of speech, finding that self-expression "that originated outside of the schoolhouse, did not disturb the school environment and was not related to any school-sponsored event" could not be punished.

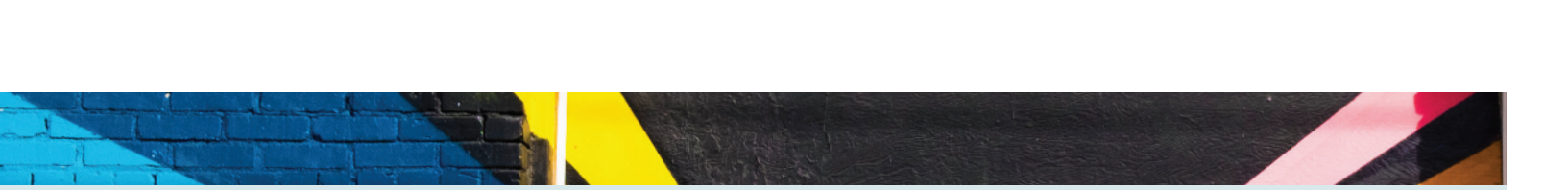
In contrast, in *Doninger v. Niehoff*, judges in the second circuit court of appeals reached an opposite conclusion. The case involved a student at Lewis S. Mills High School in Connecticut who was barred from the student government after

she wrote that the superintendent and other school officials were "douchebags." The off-campus blog post also asked students to call an administrator and "piss her off more." The appeals court held that the trial judge ruled that the student's speech "foreseeably create[d] a risk of substantial disruption within the school environment," which allowed the school to regulate off-campus speech.

In 2021, the Supreme Court finally ruled on this matter. B.L., a student at Mahanoy Area High School (MAHS) in Pennsylvania, tried out for and failed to make her high school's varsity cheerleading team; she was placed instead on the junior varsity team. Over a weekend and away from school, she posted a picture of herself on Snapchat with the caption "F--k school f--k softball f--k cheer, f--k everything." The photo was visible to about 250 people, many of whom were MAHS students and some of whom were cheerleaders. Several students who saw the captioned photo approached the coach and expressed concern that the snap was inappropriate. The coaches decided B.L.'s snap violated team and school rules, which B.L. had acknowledged before joining the team, and she was suspended from the junior varsity team for a year.

B.L. sued the school under 42 U.S.C. § 1983, alleging (1) that her suspension from the team violated the First Amendment; (2) that the school and team rules were overbroad and

New York school district to provide space for an after-school bible club for elementary students.<sup>140</sup> The Court ruled that it violated the First Amendment's free speech clause to deny the club access to the school's space on the ground that the club was religious; the school routinely let secular groups use its space. The Court reasoned that because the club's meetings were to be held after school hours, not sponsored by the school, and open to any student who obtained parental consent, it could not be perceived that the school was endorsing the club or that students might feel coerced to participate in its activities. In 2001, the Court let stand a Virginia statute that mandates that each school division in the state establish in its classrooms a "moment of silence" so that "each pupil may, in the exercise of his or her individual choice, meditate, pray, or engage in any other silent activity which does not interfere with, distract, or impede other pupils in the like exercise of individual choice."<sup>141</sup> The Court refused to hear an appeal filed by several Virginia students and their parents, which contended that a "moment of silence" establishes religion in violation of the First Amendment.<sup>142</sup> In its most recent statement on the separation of church and state, the Court refused to hear a case brought by a California father contesting the recital of the Pledge of Allegiance because it contains the phrase "under God."<sup>143</sup> Though the Court dismissed the case



viewpoint discriminatory; and (3) that those rules were unconstitutionally vague. The district court granted summary judgment in B.L.'s favor, ruling that the school had violated her First Amendment rights. The U.S. Court of Appeals for the Third Circuit affirmed.

The decision written by Justice Stephen Breyer held that The First Amendment limits but does not entirely prohibit regulation of off-campus student speech. In this case, the school district's decision to suspend B.L. from the cheerleading team for posting to social media vulgar language and gestures critical of the school violates the First Amendment. The decision also recognized students' free speech on campus. According to the decision, although public schools may regulate student speech and conduct on campus, students do not "shed their constitutional rights to freedom of speech or expression" when they enter campus. Schools may regulate student speech in three circumstances: (1) indecent, lewd, or vulgar speech on school grounds, (2) speech promoting illicit drug use during a class trip, and (3) speech that others may reasonably perceive as "bear[ing] the imprimatur of the school," such as that appearing in a school-sponsored newspaper. And, as in *Tinker v. Des Moines*, the Court held that schools may also regulate speech that "materially disrupts classwork or involves substantial disorder or invasion of the rights of others."

Three features of off-campus speech diminish the need for First Amendment leeway: (1) off-campus speech normally falls

within the zone of parental responsibility rather than school responsibility, (2) off-campus speech regulations coupled with on-campus speech regulations would mean a student cannot engage in the regulated type of speech at all, and (3) the school itself has an interest in protecting a student's unpopular off-campus expression because the free marketplace of ideas is a cornerstone of our representative democracy. B.L.'s parents, not the school, had responsibility for her speech, and she did not cause "substantial disruption" or threaten harm to the rights of others. Thus, the First Amendment protected her off-campus speech, and the school's decision to suspend her violated her First Amendment rights.

### Critical Thinking

Considering the spate of cyberbullying and other online harassment incidents, would you advocate stricter internet controls? Or does the First Amendment's right to free speech trump such regulation, even if the aim is to reduce social harm? Let's say a student is angry because he did not make the varsity basketball team and blames the decision on the coach. In his posting, he uses a racial epithet to describe the players chosen. Should the student be suspended or otherwise punished for speaking his mind as B.L. did?

SOURCE: *Mahanoy Area School District v. B.L.* 594 US \_\_ (2021); *Oyez, Mahanoy Area School District v. B.L.* <https://www.oyez.org/cases/2020/20-255> *Layshock v. Hermitage School District*, No. 07-4465 2008 (2010), <http://www.ca3.uscourts.gov/opinarch/074465p1.pdf>; *Doninger v. Niehoff*, 527 F.3d 41 (2d Cir. 2008).

on a technical issue, some of the justices felt the issue should have been dealt with and dismissed. Chief Justice William Rehnquist wrote in his opinion:

To give the parent of such a child a sort of "heckler's veto" over a patriotic ceremony willingly participated in by other students, simply because the Pledge of Allegiance contains the descriptive phrase "under God," is an unwarranted extension of the establishment clause, an extension which would have the unfortunate effect of prohibiting a commendable patriotic observance.<sup>144</sup>

It is likely that the issue of school prayer will again be in the spotlight after the 2022 ruling in *Kennedy v. Bremerton School District Certiorari*. Joseph Kennedy lost his job as a high school football coach in the Bremerton School District after he knelt at midfield after games to offer a quiet personal prayer. After filing suit, the Supreme Court found that Kennedy merely sought to engage in a sincerely motivated religious exercise involving giving "thanks through prayer" briefly "on the playing field" after each game. He did not involve himself in leading prayers with the team; he was dismissed only for his decision to persist in praying.<sup>145</sup> The Court ruled 6-3 that the free exercise and free speech clauses of the First Amendment protect an individual

engaging in religious expression. Justice Neil Gorsuch wrote for the majority: “The Constitution and the best of our traditions counsel mutual respect and tolerance, not censorship and suppression, for religious and nonreligious views alike.”

## School Discipline

### *in loco parentis*

Latin for “in place of parents” or “instead of a parent.” Used to signify that parents have given a person or institution all the rights to behave, act, and be and act as a parent.

### *Ingraham v. Wright*

Corporal punishment in schools is legally permissible.

Most states have statutes permitting teachers to use corporal punishment to discipline students in public school systems. Under the concept of *in loco parentis*, discipline is one of the assumed parental duties given to the school system. In two decisions, the Supreme Court upheld the school’s right to use corporal punishment. In the 1975 case of *Baker v. Owen*, the Court stated:

We hold that the Fourteenth Amendment embraces the right of parents generally to control the means and discipline of their children, but that the state has a countervailing interest in the maintenance of order in the schools . . . sufficient to sustain the right of teachers, and school officials must accord to students minimal due process in the course of inflicting such punishment.<sup>146</sup>

In 1977, the Supreme Court again spoke on the issue of corporal punishment in school systems in the case of *Ingraham v. Wright*, which upheld the right of teachers to use corporal punishment.<sup>147</sup> In this case, students James Ingraham and Roosevelt Andrews sustained injuries from paddling at the Charles Drew Junior High School in Dade County, Florida. The legal problems raised in the case were (1) whether corporal punishment by teachers was a violation in this case of the Eighth Amendment against cruel and unusual punishment, and (2) whether the due process clause of the Fourteenth Amendment required that the students receive proper notice and a hearing before receiving corporal punishment. The Court held that neither the Eighth Amendment nor the Fourteenth Amendment was violated in this case. Even though Ingraham suffered hematomas on his buttocks due to 20 blows with a wooden paddle and Andrews was hurt on the arm, the Supreme Court ruled that such punishment was not a constitutional violation. The Court established the standard that only reasonable discipline is allowed in school systems, but it accepted the degree of punishment administered in this case. The key principle in *Ingraham* is that the reasonableness standard that the Court articulated represents the judicial attitude that the scope of the school’s right to discipline a child is by no means more restrictive than the rights of the child’s own parents to impose corporal punishment.

Despite the *Ingraham* decision, the use of corporal punishment remains controversial but is still being used. A disproportionate number of students who are physically punished suffer from mental or physical disabilities. One reason is that students were punished for conduct related to their disabilities: students with Tourette syndrome were paddled for exhibiting involuntary tics; students with autism were punished for repetitive behaviors such as rocking. Opponents charge corporal punishment may harm kids with disabilities, leading to worsening their conditions. For instance, some parents reported that students with autism became violent toward themselves or others following corporal punishment.<sup>148</sup> Today about 20 states still allow physical punishment in public schools, and only a handful have banned its use in private schools.<sup>149</sup> Congress is considering a bill to ban corporal punishment, but it is still being used.<sup>150</sup>



# Summary

## **LO1** Discuss the role the educational experience plays in human development over the life course

- The school environment has been found to significantly affect a child's emotional well-being.
- The school has become a primary determinant of economic and social status.
- The school itself has become an engine of social change and improvement.
- Education and not social class has become the key to a job marking its holder as "successful."
- Whether failure is measured by test scores, not being promoted, or dropping out, the incidence of school failure continues to be a major problem for U.S. society.

## **LO2** Identify the problems facing the educational system in the United States

- The role schools play in adolescent development is underscored by the problems faced by the U.S. education system.
- Cross-national surveys that compare academic achievement show that the United States trails in critical academic areas.
- High school students in the United States are consistently outperformed by those from Asian and some European countries on international assessments of mathematics and science.
- Many children are at risk for educational problems, school failure, and delinquency.
- Racial inequality in school discipline and suspension unfairly punish children of color.

## **LO3** Give examples of the hazards faced by children if they are dropouts

- Though dropout rates have declined, leaving school early is still a national problem.
- Minority students are at greater risk of dropping out than White students. One reason is that they often face harsher disciplinary action from school officials.
- Dropouts are more likely than graduates to get involved in antisocial behavior.
- Dropouts earn significantly less than graduates over the life course.
- They have more health problems and cost society more than graduates.

## **LO4** Express the association between school failure and delinquency

- Kids who do poorly in school are at risk for delinquent behavior.
- School failure is a stronger predictor of delinquency than variables such as economic class membership, racial or ethnic background, or peer-group relations.
- An association between academic failure and delinquency is commonly found among chronic offenders.

## **LO5** Examine the personal and social factors that have been related to school failure

- School failure may also be linked to learning disabilities or reading disabilities that might be treatable if the proper resources were available.
- Most researchers have looked at academic tracking—dividing students into groups according to ability and achievement level—as a contributor to school failure.
- Student alienation has also been linked to school failure and delinquency. Students who report they neither like school nor care about their teachers' opinions are more likely to exhibit delinquent behaviors.
- Many students, particularly those from low-income families, believe that school has no payoff regarding their future.

## **LO6** Be able Calculate the extent of school crime

- In its pioneering study of school crime, *Violent Schools—Safe Schools* (1977), the federal government found a significant amount of delinquency in schools.
- Hundreds of thousands of delinquent acts occur at school each year. However, school delinquency rates have actually been in decline.
- Kids are more likely to be victimized at school than in the community.
- Teachers are also subject to threats and physical attacks from students and school intruders.

## **LO7** List the factors that contribute to delinquency in schools

- Kids who feel isolated and alone with little parental attention may be the most prone to alienation and substance abuse.
- The level of student drinking and substance abuse may increase violent crime rates.

- Violence is more prevalent in large schools as compared to smaller ones.
- Schools located in a city are more likely to experience criminal behaviors and violence than rural schools.
- The physical condition of the school building can influence students' motivation, attitude, and behavior.
- There is also evidence that crime in schools reflects the patterns of antisocial behavior that exist in the surrounding neighborhood.

### **LO8** Evaluate the efforts school systems are making to reduce crime on campus

- Nearly all states have developed some sort of crime-free, weapon-free, or safe-school zone statute.
- Almost every school attempts to restrict the entry of dangerous persons by having visitors sign in before entering, and most close the campus for lunch.
- Most schools control access to school buildings by locking or monitoring doors.
- Schools use random metal detector checks and one or more security cameras to monitor the school.
- Schools that have experienced behavioral problems are now employing uniformed police officers on school grounds, typically called school resource officers.
- Some districts have gone so far as to employ undercover detectives on school grounds.

### **LO9** Explain what is being done to improve school climate and increase educational standards

- Numerous organizations and groups have called for reforming the educational system to make it more responsive to the needs of students.

- The federal government has sponsored programs to get local schools to improve their standards and narrow racial gaps in achievement.
- Students' awareness of the dangers of drug abuse and delinquency is being improved.
- Students are being trained in techniques to resist peer pressure.
- School management and disciplinary programs that deter crime, such as locker search, are being set up.

### **LO10** Summarize the legal rights of students

- The U.S. Supreme Court has sought to balance students' civil liberties with the school's mandate to provide a safe environment.
- Educators can legally search students when there are reasonable grounds to believe the students have violated the law or broken school rules.
- The Supreme Court has expanded the power of educators to ensure safe learning environments through drug testing of students.
- The Court has also established that a child is entitled to free speech in school under the First Amendment of the U.S. Constitution. However, the Court ruled that a principal could censor articles in a student publication.
- School prayer is a controversial free speech issue; the Court has severely limited prayer but allows a moment of silence.
- Most states have statutes permitting teachers to use corporal punishment to discipline students in public school systems.

## Key Terms

truant, p. 382  
 dropping out, p. 382  
 dropout factory, p. 384  
 status dropout rate, p. 384  
 tracking, p. 387  
 bullying, p. 394  
 gender policing, p. 396  
 zero tolerance policy, p. 400  
*New Jersey v. T.L.O.*, p. 405

*Safford Unified School District v. Redding*, p. 406  
*J.D.B. v. North Carolina*, p. 406  
*Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al.*, p. 407  
 passive speech, p. 408  
 active speech, p. 408  
*Tinker v. Des Moines Independent Community School District*, p. 408

*Bethel School District No. 403 v. Fraser*, p. 408  
*Hazelwood School District v. Kuhlmeier*, p. 408  
*Morse v. Frederick*, p. 409  
*Santa Fe Independent School District, Petitioner v. Jane Doe*, p. 409  
*in loco parentis*, p. 412  
*Ingraham v. Wright*, p. 412

## Questions for Discussion

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1. Was there a delinquency problem in your high school? If so, how was it dealt with?
2. Should disobedient youths be suspended from school? Does this solution hurt or help?
3. What can be done to improve the delinquency prevention capabilities of schools?
4. Is school failure responsible for delinquency, or are delinquents simply school failures?
5. Should teachers be allowed to physically punish unruly students?

## Viewpoint

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You are the principal of a suburban high school. It seems that one of your students, Steve Jones, has had a long-running feud with Mr. Metcalf, an English teacher whom he blames for unfairly giving him a low grade and for being too strict with other students. Steve set up a home-based website that posted insulting images of Metcalf and contained messages describing him in unflattering terms (“a slob who doesn’t bathe often enough,” for example). He posted a photo of the teacher with the caption “Public Enemy Number One.” Word of the website has gotten around school, and although students think it’s funny and cool, the faculty is outraged. You bring Steve into your office and ask him to take down the site, explaining that its existence has harmed school discipline and morale. He refuses, arguing that the site is home-based and you have no right to ask for its

removal. Besides, he claims, it is just fun and not really hurting anyone.

School administrators are asked to make these kinds of decisions every day, and the wrong choice can prove costly. You are aware that a case very similar to this one resulted in a \$30,000 settlement in a damage claim against a school system when the principal suspended a student for posting an insulting website, and the student later sued for violating his right to free speech.

- Would you suspend Steve if he refuses your request to take down the site?
- Would you allow him to leave it posted and try to placate Mr. Metcalf?
- What would you do if Mr. Metcalf had posted a site ridiculing students and making fun of their academic abilities?

## Doing Research on the Web

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There are several important resources for educational law on the internet. Check out the Education Law Association (<https://educationlaw.org/>), the Educational

Resource Information Center (<http://www.eric.ed.gov/>), and the Education Law Center (<http://www.edlawcenter.org/>).

## Notes

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# 11

# Drug Use and Delinquency

## Learning Objectives

- 1 Identify which drugs are most frequently abused by American youth
- 2 Interpret the extent of the drug problem among American youth today
- 3 Appraise the main explanations for why youths take drugs
- 4 Identify the different behavior patterns of drug-involved youths
- 5 Examine the relationship between drug use and delinquency
- 6 Assess the pros and cons of the major drug control strategies
- 7 Discuss the benefits and drawbacks of a drug legalization policy

## Chapter Outline

### Frequently Abused Drugs

Marijuana and Hashish  
Cocaine  
Heroin  
Synthetic Opioids  
Alcohol  
Other Commonly Used Drugs

### Trends in Teenage Drug, Alcohol, and Tobacco Use

The Monitoring the Future (MTF) Survey  
The National Survey on Drug Use and Health  
Centers for Disease Control: Youth Risk Behavior Survey  
Are the Survey Results Accurate?

### Why Do Youths Take Drugs?

Social Disorganization  
Racial Bias  
Peer Pressure  
Family Factors  
Genetic Factors

Emotional Problems  
Problem Behavior Syndrome  
Rational Choice

### Pathways to Drug Abuse

Adolescents Who Distribute Small Amounts of Drugs  
Adolescents Who Frequently Sell Drugs  
Teenage Drug Dealers Who Commit Other Delinquent Acts  
Losers and Burnouts  
Persistent Offenders

### Drug Use and Delinquency

### Drug Control Strategies

Law Enforcement Strategies  
Education Strategies  
Community Strategies  
Treatment Strategies  
Harm Reduction Strategies  
Legalization Strategies

## Chapter Features

**International Delinquency:** Juvenile Drug Use In Europe

**Focus on Delinquency:** Does Drug Dealing Pay?

**Treating Delinquency:** Keepin' It REAL

**Treating Delinquency:** Multisystemic Therapy



**Fernando Ellis** is a 15-year-old of multiracial heritage who was referred to the local mental health/substance abuse agency after attempting to jump out of his father's moving vehicle during a verbal argument. Fernando had been using and was high on drugs at the time. He was skipping school, using marijuana daily, and had numerous drug-related police contacts and charges. He was also on probation for selling drugs on school grounds.

Fernando's father worked long hours and drank excessively when at home. He introduced his son to alcohol and drugs early and offered little supervision or guidance. Fernando's mother was killed in an accident when Fernando was 12 years old, leaving his father to care for him and his three older siblings. In addition, Fernando was born with a congenital disability that often resulted in teasing by other children. At times, it was difficult to understand his speech, and he walked with a noticeable limp. It appeared Fernando was trying to fit in, "be cool," and gain acceptance by engaging in criminal activity.

Fernando was ordered to complete community service and individual counseling at the juvenile court hearing. He was referred to the community mental health center for an alcohol and drug assessment and a suicide risk assessment. He reluctantly cooperated with the order to avoid a more serious disposition.

Fernando's assessments indicated that although he did try to jump out of a moving car, he did not appear to be a suicide risk. He was under the influence and in a heated argument with his father. There was concern about his daily use of drugs and alcohol, and Fernando was referred to an outpatient drug treatment program at the center. In addition, he met weekly with his counselor for individual counseling. They worked on his drug and alcohol issues, changing his behavior and habits, and on the grief and loss



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issues related to the sudden death of his mother. This loss was a significant turning point for Fernando. Up to that time, he had been a good student who was not involved with drugs. Everything changed when his mother was killed.

Through his work with his counselor, Fernando began to process this significant loss and make positive changes in his life. A team of professionals, including his teachers, probation officer, drug and alcohol counselor, and mentor provided by the school, all worked with Fernando to help him realize his goals. He began attending school regularly and worked to improve his relationships with his father and siblings and reduce his criminal activity and drug and alcohol use. Fernando continued to use alcohol occasionally but eliminated his drug use. He also struggled with his home situation and sometimes ran away from home to stay with friends. Overall, Fernando dramatically reduced his criminal activity, although he remained on probation for the duration of the court order.

Do you believe that Fernando's drug use is a result of external events, such as the death of his mother, or do you think people are born with an addictive personality trait? Should recreational drug use be legalized, or does it bring unwanted consequences?

There is little question that adolescent **substance abuse**, such as what Fernando experienced, and its association with delinquency are vexing problems. Almost every town, village, and city in the United States has confronted the teenage substance abuse problem. Self-report surveys indicate that about half of high school seniors have tried drugs, and almost two-thirds have used alcohol.<sup>1</sup>

#### **substance abuse**

Using drugs or alcohol in such a way as to cause physical, emotional, and/or psychological harm to yourself.

Adolescents at high risk for drug abuse often come from impoverished communities and experience myriad problems, including school failure and family conflict.<sup>2</sup> Equally troubling is the association between drug use and crime.<sup>3</sup> Self-report surveys show that drug abusers are more likely to become delinquents than nonabusers and continue to commit crimes. A national survey of more than 10,000 prison inmates found significant relationships between drug use and having drug-using peers in adolescence, and using illegal substances in adulthood: more than 80% of inmates with substance abuse issues reported growing up with peers who also used illicit drugs. Nearly three-quarters of inmates participated in some form of delinquency, and participation in delinquency was significantly related to later substance use.<sup>4</sup> The pattern of drug use and crime that begins in adolescence and proceeds throughout life makes teenage substance abuse a critical national concern.

This chapter addresses some important issues involving teenage substance abuse, beginning with a review of the drugs children and adolescents use and how often they use them. Then we discuss who uses drugs and what causes substance abuse. After describing the association between drug abuse and delinquent behavior, the chapter concludes with a review of efforts to prevent and control the use of drugs in the United States.

## LO1

Identify which drugs are most frequently abused by American youth

## Frequently Abused Drugs

Teenagers use a wide variety of substances referred to as “drugs.” Some substances are addicting, and others are not. Some create hallucinations, others cause a depressed stupor, and a few give an immediate uplift. This section identifies the most widely used substances and discusses their effects. All of these drugs can be abused, and because of their danger, many have been banned from private use. Others are available legally only under a physician’s supervision, and a few are available to adults but are prohibited for children.

### marijuana

The dried leaves of the cannabis plant.

### hashish

A concentrated form of cannabis made from unadulterated resin from the female cannabis plant.

## Marijuana and Hashish

Commonly called “pot” or “weed,” **marijuana** is produced from the leaves of *Cannabis sativa*. **Hashish** (hash) is a concentrated form of cannabis made from unadulterated resin from the female plant. The main active ingredient in both marijuana and hashish is tetrahydrocannabinol (THC), a mild hallucinogen. Marijuana is a drug commonly used by teenagers.

Smoking large amounts of pot or hash can cause distortions in auditory and visual perception, even producing hallucinatory effects. Small doses produce an early excitement (“high”) that gives way to drowsiness. Pot use is also related to decreased activity, overestimation of time and space, and increased food consumption. When the user is alone, marijuana produces a dreamy state. In a group, users become giddy and lose perspective.

Marijuana is not physically addicting, but its long-term effects have been the subject of much debate. During the 1970s, it was reported that smoking pot caused various physical and mental problems, including brain damage and mental illness. Although the dangers of pot and hash may have been overstated, the use of these drugs does present some health risks, including an increased risk of lung cancer, chronic bronchitis, and other diseases. Prospective parents should avoid marijuana smoking because it lowers sperm count in male users, and females experience disrupted ovulation and a greater chance of miscarriage.<sup>5</sup>

While marijuana remains illegal for children and teenagers, at this time, 18 states have legalized the possession of marijuana for recreational use by adults, and 36 have passed medical marijuana laws; other states allow low-dosage marijuana for medical purposes. These laws mean that more than 150 million Americans now live in a state that has legalized marijuana in some form.<sup>6</sup>

Studies examining the effects of these new laws on marijuana use in the general population and among youth are inconclusive. Some have found that medical marijuana laws have increased adolescent marijuana use, while others conclude that medical marijuana laws have little effect on usage.<sup>7</sup>

## Cocaine

**Cocaine** is an alkaloid derivative of the coca plant. When first isolated in 1860, it was considered a medicinal breakthrough that could relieve fatigue, depression, and other symptoms, and it quickly became a staple of patent medicines. When its addictive qualities and dangerous side effects became apparent, its use was controlled by the Pure Food and Drug Act of 1906.

Cocaine is the most powerful natural stimulant, producing euphoria, restlessness, and excitement. Overdoses can cause delirium, violent manic behavior, and possibly respiratory failure. The drug can be sniffed or “snorted” into the nostrils, or it can be injected. The immediate feeling of euphoria, or “rush,” is short-lived, and heavy users may snort coke as often as every 10 minutes. Another dangerous practice is “speedballing”—injecting a mixture of cocaine and heroin.

**Crack** is processed street cocaine. Its manufacture involves using ammonia or baking soda (sodium bicarbonate) to remove the hydrochlorides and create a crystalline form of cocaine that can be smoked. Crack gets its name because sodium bicarbonate often emits a crackling sound when the substance is smoked. Also referred to as “rock,” “gravel,” and “roxanne,” crack first gained popularity in the mid-1980s. It is relatively inexpensive, can provide a powerful high, and is highly addictive psychologically. Crack cocaine use has been in decline in recent years. Heavy criminal penalties, tight enforcement, and social disapproval have helped to lower crack use.

## Heroin

Opioid drugs (also called narcotics from the Greek word *Narke* “numbness”) produce insensibility to pain and free the mind of anxiety and emotion. Users experience relief from fear and apprehension, the release of tension, and the elevation of spirits. A period of apathy follows this short period of euphoria; users become drowsy and may nod off during this apathy. **Heroin**, the most commonly used natural narcotic in the United States, is produced from morphine, a drug derived from the opium poppy flower. Dealers cut the drug with neutral substances (sugar or lactose), and street heroin is often only 1% to 4% pure.

Heroin users rapidly build up a tolerance for the drug, fueling the need for increased doses to obtain the desired effect. At first, heroin is usually sniffed or snorted; as tolerance builds, it is “skin popped” (shot under the skin, but not into a vein), and finally, it is injected into a vein or “mainlined.” Through this progressive use, the user becomes an **addict**—a person with an overpowering physical and psychological need to continue taking a particular substance by any means possible. If addicts cannot get enough heroin to satisfy their habit, they suffer withdrawal symptoms, which include irritability, depression, extreme nervousness, and nausea.

## Synthetic Opioids

Synthetic opioids are lab-created substances that produce the same effect on the brain as natural opioids (e.g., heroin). Prescription opioids such as oxycodone and hydrocodone (Vicodin) are used to treat moderate to severe pain and may be prescribed following surgery or injury or for health conditions. Close to 200 million opioid prescriptions are dispensed to American patients each year.

Fentanyl, a synthetic opioid approved for treating severe pain, is 50 to 100 times more potent than heroin and morphine. It is prescribed in the form of transdermal patches or lozenges. It is sold through illegal drug markets and can be mixed with heroin or cocaine as a combination product—with or without the user’s knowledge—to increase its euphoric effects.

### cocaine

A powerful natural stimulant derived from the coca plant.

### crack

A highly addictive crystalline form of cocaine containing remnants of hydrochloride and sodium bicarbonate emits a crackling sound when smoked.

### heroin

A narcotic made from opium and then cut with sugar or some other neutral substance until it is only 1 to 4% pure.

### addict

A person with an overpowering physical or psychological need to continue taking a particular substance or drug.

Synthetic opioid use has been increasing substantially among most age groups and has produced numerous health issues, often leading to overdosing and death.

## Alcohol

### alcohol

Fermented or distilled liquids containing ethanol, an intoxicating substance.

The drug of choice for most teenagers continues to be **alcohol**. About 60% of high school seniors reported using alcohol in the past year, and almost two-thirds say they have tried it at some time; by the 12th grade, nearly half of American youths report that they have been drunk.<sup>8</sup>

Significant health risks accompany alcohol abuse (see Exhibit 11.1). Considering these problems, why do so many youths still drink to excess? Youths who use alcohol report that it reduces tension, enhances pleasure, improves social skills, and improves experiences.<sup>9</sup> Although these reactions may result from limited alcohol use, alcohol acts as a depressant in higher doses. Long-term use has been linked with depression and physical ailments ranging from heart disease to cirrhosis. Many teens also think drinking stirs their romantic urges, but scientific evidence indicates alcohol decreases sexual response.<sup>10</sup>

## Other Commonly Used Drugs

Other drug categories include anesthetic drugs, inhalants, sedatives and barbiturates, tranquilizers, hallucinogens, stimulants, steroids, designer drugs, and cigarettes.

### anesthetic drugs

Central nervous system depressants.

**Anesthetic Drugs** A variety of **anesthetic drugs** are central nervous system (CNS) depressants. Local anesthetics block nervous system transmissions; general anesthetics act on the brain to produce loss of sensation, stupor, or unconsciousness. The most widely abused anesthetic drug is phencyclidine (PCP), known as “angel dust.” Angel dust can be sprayed on marijuana or other leaves and smoked, drunk, or injected. Originally developed as an animal tranquilizer, PCP creates hallucinations and a spaced-out feeling that causes heavy users to engage in violent acts. The effects of PCP can last up to two days, and the danger of overdose is significant.

## Exhibit 11.1

### Health Risks of Alcohol Abuse

#### Short-Term Health Risks of Alcohol Abuse

- Injuries, such as motor vehicle crashes, falls, drownings, and burns
- Violence, including homicide, suicide, sexual assault, and intimate partner violence
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels
- Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV.
- Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women

#### Long-Term Health Risks of Alcohol Abuse

- High blood pressure, heart disease, stroke, liver disease, and digestive problems
- Cancer of the breast, mouth, throat, esophagus, voice box, liver, colon
- Weakening of the immune system, increasing the chances of getting sick
- Learning and memory problems, including dementia and poor school performance
- Mental health problems, including depression and anxiety
- Social problems, including family problems, job-related problems, and unemployment
- Alcohol use disorders, or alcohol dependence<sup>11</sup>

SOURCE: Centers for Disease Control and Prevention and Prevention, Alcohol Use and Your Health <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm> (accessed March 2022)



**Inhalants** Some youths inhale vapors from lighter fluid, paint thinner, cleaning fluid, or model airplane glue to reach a drowsy, dizzy state often accompanied by hallucinations. **Inhalants** produce a short-term euphoria followed by a period of disorientation, slurred speech, and drowsiness. Amyl nitrite (“poppers”) is a commonly used volatile liquid packaged in capsule form, which is inhaled when the capsule is broken open.

**Sedatives and Barbiturates** The most commonly used drugs of the barbiturate family are **sedatives**, which depress the central nervous system into a sleeplike condition. On the illegal market, sedatives are called “goofballs” or “downers” and often called by the color of the capsules: “reds” (Seconal), “blue devils” (Amytal), and “rainbows” (Tuinal).

Doctors can prescribe sedatives as sleeping pills. Illegal users employ them to create relaxed, sociable feelings; overdoses can cause irritability, repellent behavior, and unconsciousness. Barbiturates are the primary cause of drug-overdose deaths.

**Tranquilizers** Legally prescribed **tranquilizers**, such as Ampazine, Thorazine, Pacatal, and Sparine, were originally designed to control the behavior of people suffering from psychoses, aggressiveness, and agitation. Less powerful tranquilizers, such as Valium, Librium, Miltown, and Equanil, combat anxiety, tension, fast heart rate, and headaches. The use of illegally obtained tranquilizers can lead to addiction, and withdrawal can be painful and hazardous.

**Hallucinogens** Both natural and synthetic **hallucinogens** produce vivid distortions of the senses without greatly disturbing the viewer’s consciousness. Some produce hallucinations, and others cause psychotic behavior in otherwise ordinary people.

One common hallucinogen is mescaline, named after the Mescalero Apaches, who first discovered its potent effect. Mescaline occurs naturally in peyote, a small cactus that grows in Mexico and the southwestern United States. After initial discomfort, mescaline produces vivid hallucinations and out-of-body sensations.

Hallucinogens are another group of synthetic alkaloid compounds. These can be transformed into lysergic acid diethylamide, commonly called LSD. This powerful substance stimulates cerebral sensory centers to produce visual hallucinations, intensify hearing, and increase sensitivity. Users often report a scrambling of sensations; they may “hear colors” and “smell music.” Users also report feeling euphoric and mentally superior, although, to an observer, they appear disoriented. Anxiety and panic may occur, and overdoses can produce psychotic episodes, flashbacks, and even death.

**Stimulants** “Uppers,” “speed,” “pep pills,” and “crystal” are **stimulants**—synthetic drugs that stimulate action in the central nervous system. They produce increased blood pressure, breathing rate, bodily activity, and mood elevation. One widely used amphetamine produces psychological effects such as increased confidence, euphoria, impulsive behavior, and loss of appetite. Commonly used stimulants include Benzedrine (“bennies”), Dexedrine (“dex”), Dexamyl, Bephetamine (“whites”), and Methedrine (“meth,” “speed,” “crystal meth”). Methedrine is probably the most widely used and dangerous amphetamine. Some people swallow it; heavy users inject it. Long-term heavy use can result in exhaustion, anxiety, prolonged depression, and hallucinations.

One form of methamphetamine is a crystallized substance with the street name “ice” or “crystal.” Ice methamphetamine looks similar to shards of ice or chunks of rock salt and is highly pure and extremely addictive.<sup>12</sup> Smoking this ice or crystal causes weight loss, kidney damage, heart and respiratory problems, and paranoia.

Methamphetamines, in general, have become an increasingly important priority of U.S. law enforcement authorities, whether as a powder, ice, or tablet. Although its use among secondary school students has shown a downward trend, some states report

## **inhalants**

Volatile liquids that give off a vapor that is inhaled, producing short-term excitement and euphoria followed by a period of disorientation.

## **sedatives**

Drugs of the barbiturate family that depress the central nervous system into a sleeplike condition.

## **tranquilizers**

Drugs that reduce anxiety and promote relaxation.

## **hallucinogens**

Natural or synthetic substances that produce vivid distortions of the senses without greatly disturbing consciousness.

## **stimulants**

Synthetic substances that produce an intense physical reaction by stimulating the central nervous system.

much higher usage rates. Authorities are also concerned because methamphetamine use has spread from its origins in the rural West to other parts of the country and into urban and suburban areas.

Because of the health dangers, the Combat Methamphetamine Epidemic Act of 2005 was incorporated into the Patriot Act. The act bans over-the-counter sales of cold medicines that contain the ingredient pseudoephedrine, which is commonly used to make methamphetamine. In addition, several states have limited the ability to purchase pseudoephedrine by requiring a photo id and mandating that pharmacies keep logbooks or tracking systems for sales.<sup>13</sup>

### **anabolic steroids**

Drugs athletes and bodybuilders use to gain muscle bulk and strength.

**Steroids** Teenagers use hazardous **anabolic steroids** to gain muscle bulk and strength.<sup>14</sup> Black-market sales of these drugs exceed one billion annually. Although not physically addicting, steroids can become an obsession among teens who desire athletic success. Long-term users may spend up to hundreds or more a week on steroids and may support their habit by dealing the drug.

Steroids are dangerous because of the health problems associated with their long-term use: liver ailments, tumors, kidney problems, sexual dysfunction, hypertension, and mental problems such as depression. Steroid use runs in cycles, and other drugs—Clomid, Teslac, and Halotestin, for example—that carry their own dangerous side effects are often used to curb the need for high dosages of steroids. Finally, steroid users often share needles, which increases their risk of contracting Hep C and HIV.

### **designer drugs**

Lab-made drugs designed to avoid existing drug laws.

**Lab-Created Drugs** Lab-created synthetics designed to get around existing drug laws, at least temporarily, are known as **designer drugs**. The most widely used designer drug is ecstasy, derived from speed and methamphetamine. After being swallowed, snorted, injected, or smoked, it acts simultaneously as a stimulant and a hallucinogen, producing mood swings, disturbing sleeping and eating habits, altering thinking processes, creating aggressive behavior, interfering with sexual function, and affecting pain sensitivity. The drug can also increase blood pressure and heart rate. Teenage users taking ecstasy at raves have died from heat stroke because the drug can cause dehydration.

**Smoking and Tobacco Products** Teens use various tobacco products, ranging from cigarettes to e-cigars, smokeless tobacco to nicotine pouches. At the same time, an ongoing effort seeks to prevent tobacco products from getting into the hands of minors. The Synar Amendment (1992) requires states to enact and enforce laws restricting the sale of tobacco products to youths under 18. The Food and Drug Administration (FDA) rules require age verification for anyone under 27 who is purchasing tobacco products. The FDA has also banned cigarette vending machines and self-service displays except in adult-only facilities. Negotiated more than 20 years ago, the Master Tobacco Settlement Agreement between 46 states and the tobacco industry placed further restrictions on the advertising and marketing of cigarettes to young people and allocated substantial sums to antismoking campaigns.<sup>15</sup>

On December 20, 2019, Tobacco21 (T21) legislation was signed into law; it raised the federal minimum age for tobacco product sales from 18 to 21 years. T21 legislation became effective immediately, making it illegal for a retailer to sell tobacco products—including cigarettes, cigars, and e-cigarettes—to anyone under 21. The new federal minimum sale age applies to all retail establishments and persons with no exceptions.<sup>16</sup>

Despite these measures, about one-third of American high school students report having smoked cigarettes. However, in recent years, high school students' cigarette use has been consistently declining.<sup>17</sup>

Some of this decline may result from the electronic alternative known as e-cigarettes. E-cigarettes, popularized in the early 2000s, entered the U.S. market in 2007. An e-cigarette is a battery-charged device with a heating element at one end, which aerosolizes a liquid solution containing nicotine. A mouthpiece at the other end is used

to inhale the vapor.<sup>18</sup> The process of inhaling vapor, whether nicotine, marijuana, or some other drug, is known as vaping. The use of e-cigarettes among teens has fluctuated in recent years and, in some cases, has declined. Nonetheless, national surveys find that vaping continues to be the predominant method of nicotine consumption among young people. Some 12% of 8th graders, about 20% of 10th graders, and 27% of 12th graders reported vaping nicotine in the past year.<sup>19</sup>

## Trends in Teenage Drug, Alcohol, and Tobacco Use

**L02**

Interpret the extent of the drug problem among American youth today

Has America's decades-long war on drugs paid off? Has drug use declined, or is it on the rise? Many national surveys conduct annual reviews of teen drug use by interviewing samples of teens around the nation. What do national surveys tell us about the extent of drug use, and what are the recent teen usage trends? Remember that the surveys are independent and contain different people in their sample. Consequently, the results may differ.

### The Monitoring the Future (MTF) Survey

One of the most influential surveys of teen substance abuse is the annual Monitoring the Future (MTF) survey; the Institute for Social Research at the University of Michigan has conducted the survey since 1975. The MTF now involves more than 30,000 8th, 10th, and 12th-grade students attending more than 300 schools nationwide.<sup>20</sup>

According to the MTF, teen drug use peaked in the late 1970s and early 1980s and then began a decade-long decline until showing an uptick in the mid-1990s; for the next 30 years, usage for most drugs has been stable or in decline. (See Table 11.1.) Especially encouraging has been a significant drop in the use of alcohol by the youngest kids in the survey—dropping about 40% since its peak.

**The COVID Effect** Though declines in adolescent use of illicit drugs have been the norm for most of the past two decades, in 2021, at the height of the COVID crisis, the drop in drug use was the largest and most sweeping the MTF had ever recorded (Table 11.1).

According to the MTF, the percentage of youth who had ever used any illicit drug decreased by more than 25% that year. High school seniors used drugs 27% fewer times than the previous year; for 10th graders, the decline was 31%; 8th graders' substance abuse dropped 30%. The drug use drop among 12th graders is three times larger than the previous record (a 9% drop in 2014). These significant declines in use occurred across a wide range of drugs, including marijuana, cocaine, hallucinogens, and nonmedical use of amphetamines, tranquilizers, and prescription opioids.

Table 11.1

#### Percentage of Students Reporting Drug Use during previous 12 months

| Last 12 Months |       |       |       |       |       |       |       |       |       |       |       |
|----------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
|                | 2011  | 2012  | 2013  | 2014  | 2015  | 2016  | 2017  | 2018  | 2019  | 2020  | 2021  |
| 8th Grade      | 14.7% | 13.4% | 15.2% | 14.6% | 14.8% | 12.0% | 12.9% | 13.4% | 14.8% | 15.6% | 10.2% |
| 10th Grade     | 31.1% | 30.1% | 32.1% | 29.9% | 27.9% | 26.8% | 27.8% | 29.9% | 31.0% | 30.4% | 18.7% |
| 12th Grade     | 40%   | 39.7% | 40.1% | 38.7% | 38.6% | 38.3% | 39.9% | 38.8% | 38.0% | 36.8% | 32.0% |

SOURCE: Monitoring the Future 2021 Survey Results, Dec. 15, 2021, <https://nida.nih.gov/drug-topics/trends-statistics/infographics/monitoring-future-2021-survey-results>.

What COVID-related factors may have accounted for this dramatic drop in drug usage? The pandemic disrupted teens' ability to buy and get drugs, reduced unsupervised peer socializing that facilitates drug use, and decreased the ability to obtain and use illegal substances outside parental supervision. As stores and restaurants closed, high school students lost after-school jobs that helped support drug purchases.

It remains to be seen whether this change will be permanent or transitory. This one-year pandemic drop may lower adolescents' levels of drug use for the rest of their lives. It is also possible that the decline is temporary, and drug use may surge once kids are free of the constraints imposed by the pandemic. During the pandemic, teens reported increases in psychological problems: "feeling anxious," "feeling angry," "feeling annoyed or irritable," "feeling bored," "feeling sad," "feeling lonely," "feeling depressed," "feeling worried"; these mood disorders may make them susceptible to substance abuse post-pandemic.

## The National Survey on Drug Use and Health

Sponsored by the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration, the National Survey on Drug Use and Health (NSDUH) is one of the key indicators of drug usage in the United States.<sup>21</sup> Remember, the NSDUH surveys different teens than those included in the MTF, so results may differ.

The most recent survey (pre-COVID) indicates that more than half of all Americans over age 12 (59% or 163 million) are now using alcohol, illegal drugs, or tobacco. This group includes 50% (or 139 million people) who drank alcohol, 19% (or 52 million people) who used a tobacco product, and 14% (or 37 million people) who used an illicit drug. The most commonly used illegal drug among all age groups was marijuana.

The NSDUH data shows that, like the MTF survey, substance abuse among teens has declined. However, that still means more than 3 million adolescents aged 12 to 17 (14%) have used an illegal substance in the past year. About 10%, or about 2.5 million, smoked or ingested marijuana. About 0.3% of the samples used cocaine, amounting to 84,000 users nationally; another 2,000 teens claimed to have smoked crack. About 1.5% of the teen population, or 370,000 youths, used hallucinogens such as LSD, PCP, peyote, mescaline, psilocybin mushrooms, ecstasy, and ketamine.

The NSDUH survey also found that 1.6% of adolescents, or 400,000 teens, misused opioids in the past year. The most commonly used were prescription pain relievers such as oxycodone. Opioid addiction, which can affect both teens and adults, was responsible for a significant recent spike in overdose deaths, from less than 20,000 in 1999 to more than 90,000 today.<sup>22</sup>

## Centers for Disease Control: Youth Risk Behavior Survey

The Centers for Disease Control (CDC) conducts a Youth Risk Behavior Survey that presents the estimated prevalence of current (i.e., previous 30-days) use. The survey examines marijuana use, prescription opioid misuse, alcohol use, binge drinking, the lifetime prevalence of marijuana, synthetic marijuana, cocaine, methamphetamine, heroin, injection drug use, and prescription opioid misuse among U.S. high school students. The latest data also agrees with the MTF findings that drug and alcohol use has declined. The most recent survey results found that 29% of students report current alcohol use, 22% current marijuana use, 14% current binge drinking, and 7% current prescription opioid misuse. Substance use varied by sex, race/ethnicity, grade, and sexual identity status. Polydrug use was common: current use of alcohol (59%) and marijuana (44%) was common among students misusing prescription opioids.<sup>23</sup>

**Trends in Cigarette Smoking** The overall use of tobacco products has also been in steep decline for the past 30 years. Nonetheless, despite efforts to enforce anti-smoking



initiatives, if cigarette smoking continues at the current rate among youth in this country, 5.6 million of today's Americans younger than 18 will die early from a smoking-related illness.<sup>24</sup> That's about 1 of every 13 Americans aged 17 years or younger alive today. According to CDC scientists, preventing tobacco product use among youth is critical to ending the tobacco epidemic in the United States for several critical reasons:

- Tobacco product use is started and established primarily during adolescence.
- Nearly 9 out of 10 adults who smoke cigarettes daily first try smoking by age 18, and 99% first try smoking by age 26.
- Each day in the U.S., about 1,600 youth smoke their first cigarette, and nearly 200 youth start smoking every day.
- Flavorings in tobacco products can make them more appealing to youth. The most current data indicates that about 80% of high school students and 75% of middle school students who used tobacco products in the past 30 days reported using a flavored tobacco product.

Since 2014, e-cigarettes have been youth's most commonly used tobacco product. About 1 of every 9 high school students reported using electronic cigarettes, cigars, or pipes in the past 30 days. One reason for this popularity is declining prices: from 2014 through 2020, e-cigarette sales in the United States generally increased as product prices decreased. Total e-cigarette sales increased by 122% during this time.<sup>25</sup>

American teens are not the only ones who are using illegal substances. The following International Delinquency Feature reviews drug use among European teens.

## Are the Survey Results Accurate?

We must interpret student drug surveys with caution, especially those conducted during the COVID crisis.<sup>26</sup> As you may recall, national surveys indicate that sequestering teens and closing schools has dramatically reduced the number of youth using drugs. As schools reopen and the pandemic's effects lessen, drug use may return to "normal" pre-COVID levels.

Beyond these COVID-related issues, drug-use surveys may be subject to other validity-related issues. It may be overly optimistic to expect heavy users to cooperate with a drug-use survey, especially one conducted by a government agency. Even if willing, these students will likely be absent from school during testing periods. Also, drug abusers are more likely to be forgetful and to give inaccurate accounts of their substance abuse.

Another problem is the likelihood that the most drug-dependent portion of the adolescent population is omitted from the sample. Youths arrested, incarcerated, or dropped out of school before the 12th grade are typically missing from school-based surveys. Juvenile detainees (those arrested and held in a lockup) test positively for cocaine at a rate many times higher than those reporting recent use in these surveys.<sup>27</sup> Consequently, high school surveys may exclude some of the most drug-prone young people.

Evidence suggests that reporting accuracy may be affected by social and personal traits. Girls are more willing than boys to admit taking drugs; kids from two-parent homes are less willing to admit taking drugs than kids growing up in single-parent homes. It is culturally unacceptable for some subgroups, such as Hispanic females, to use drugs; therefore, self-report surveys may underrepresent their involvement.<sup>28</sup>

Although these problems are serious, they are consistent over time and therefore do not hinder the *measurement of change* or trends in drug usage. Prior surveys also omitted dropouts and other high-risk individuals and were biased because of cultural issues. However, because these problems are built into every wave of the surveys, any change recorded in the annual substance abuse rate is probably genuine. So, although the validity of these surveys may be questioned, they are probably reliable indicators of trends in substance abuse.

# International Delinquency

## Juvenile Drug Use In Europe

The primary purpose of the European School Survey Project on Alcohol and Other Drugs (ESPAD) is to collect data on substance use and other forms of risky behavior among 15- to 16-year-old European students to monitor trends within, as well as between, countries. The latest survey collected data from 99,647 students living in 35 countries, including Austria, Bulgaria, Denmark, France, Germany, the Netherlands, Portugal, and Spain.

This most recent ESPAD survey found that cigarettes are one of the most easily accessible substances. About 60% of the students in the participating countries reported that it would be “fairly easy” or “very easy” for them to get hold of cigarettes. Students in Denmark were most likely to find them easy to obtain (79%). Considering their availability, it is no surprise that more than 40% of students had smoked cigarettes at least once in their lifetime, and one-fifth of the sample (20%) could be considered current smokers (i.e., had smoked cigarettes during the last 30 days). The average lifetime prevalence of cigarette smoking was about the same among boys (43%) and girls (40%). Furthermore, on average, 10% of students reported having smoked daily in the last 30 days. European teens were also using e-cigarettes, with an average of 40% of teens surveyed.

Euro teens also reported that alcohol was pretty easy to obtain. So again, it is not surprising that one-third of the students (33%) had first tried an alcoholic drink at age 13 or younger, and about 7% of students had experienced alcohol intoxication (i.e., gotten drunk at age 13 or younger). More than one in 10 students (13%) reported having been intoxicated in the last 30 days. Students who reported alcohol use in the last 30 days drank alcohol around six times during that period. Despite alcohol consumption remaining very popular, for the past 25 years, a slight but steady decrease has occurred in both lifetime and last-30-day use of alcohol.

European teens are also indulging in illegal drugs. They report that marijuana (cannabis) is the most accessible illicit substance (32% claimed it was easy to buy). Cannabis is also the most widely used illicit drug. On average, 16% of students had used cannabis at least once. In contrast to the United States,

a general increase occurred in both lifetime and last-30-day marijuana use between 1995 and 2019, from 11% to 16% and from 4.1% to 7.4%, respectively. After cannabis, the most widely used illicit drugs were ecstasy (MDMA), LSD (lysergic acid diethylamide) or other hallucinogens, cocaine, and amphetamine.

What can account for drug and alcohol abuse in Europe? While there are several reasons, countries that experience high levels of drug and alcohol abuse shared other experiences. These include high levels of social problems, including an explosive mix of racial tension, poverty, envy, broken families, unemployment, and alienation, and a population feeling the impacts of rapid social and economic change. The transition from communism to democracy in many Eastern European countries has had profound effects. Neighboring countries have had to cope with a tremendous increase in immigrant youth populations searching for jobs and better lives. Still, many of these youths turn to delinquency because of difficulties in finding jobs and social isolation from family and friends. The invasion of Ukraine in 2022 should only help to increase tensions in Europe and may help increase the growth of social problems, including teen drug, tobacco, and alcohol abuse. To reverse this trend may require investing greater resources in education, employment training programs, and assistance programs for unemployed young people. It will also be necessary for countries to have effective and fair juvenile justice systems.

### Critical Thinking

An expert suggests that the best way to reduce teen drug usage is not to give at-risk kids handouts or social programs but to warn them about the dangers of substance abuse and legalize all substances, with the government controlling their distribution. This plan would help reduce crime and violence and also help balance the budget. Drugs could be heavily taxed. What do you think of his plan?

SOURCE: ESPAD Group (2020), ESPAD Report 2019: Results from the European School Survey Project on Alcohol and Other Drugs, EMCDDA Joint Publications, Publications Office of the European Union, Luxembourg. [http://www.espad.org/sites/espad.org/files/2020.3878\\_EN\\_04.pdf](http://www.espad.org/sites/espad.org/files/2020.3878_EN_04.pdf)

### LO3

Appraise the main explanations for why youths take drugs

## Why Do Youths Take Drugs?

Why do youths engage in an activity that will bring them overwhelming problems? It is hard to imagine that even the youngest drug users are unaware of the problems associated with substance abuse. Although it is easy to understand dealers' desires for quick profits, how can we explain users' disregard for long- and short-term consequences?

Self-report surveys are one source that can elucidate some of the reasons or motives for why youths take drugs. Researchers have identified a wide range of motives among high school students. More than half say they use drugs “to have a good time,” “to experiment,” and “to get high.”<sup>29</sup> Coping with adverse effects was another reason for using drugs. Teens were taking them “to relax,” “to get away from problems,” and “because of anger/frustration.” Other reasons given include compulsive use (e.g., “to get through the day”), coping with physical needs (“to sleep”), and simply because they enjoy the effect.<sup>30</sup>

## Social Disorganization

Teen drug use has also been linked to poverty, social disorganization, and hopelessness. The argument goes that teens living in socially disorganized areas that lack collective efficacy turn to drugs to cope with feelings of hopelessness and despair. While this association seems self-evident, the relationship between class and drug use has been inconclusive.<sup>31</sup> Kids from the upper class are just as likely to abuse drugs and alcohol as kids from the lower class.<sup>32</sup>

## Racial Bias

Racial bias can influence teen drug abuse on both structural and institutional levels. The onset of drug use by young children of color is tied to structural factors such as racial prejudice and its outcomes: low self-esteem, poor socioeconomic status, and the stress of living in a harsh urban environment.<sup>33</sup> The associations among drug use, race, and poverty have been linked to a high level of mistrust and defiance because feelings of anger and strain produce.<sup>34</sup>

According to the Drug Policy Alliance, an organization dedicated to reforming the nation’s drug laws, communities of color are the ones who suffer the most because of the unequal application of the law. Beginning as juveniles, people of color experience discrimination at every stage of the legal system, from being stopped by police to being sentenced in court. As a result, a lifelong criminal record increases their eligibility for a prison sentence in adulthood: Nearly 80% of people in federal prison and almost 60% in state prison for drug offenses are Black or Latino.<sup>35</sup>

## Peer Pressure

Research shows that adolescent drug abuse is highly correlated with the behavior of best friends, especially when parental supervision is weak.<sup>36</sup> Youths in inner-city areas where feelings of alienation run high often come in contact with drug users who teach them that drugs provide an answer to their feelings of inadequacy and stress.<sup>37</sup> Perhaps they join with peers to learn the techniques of drug use; their friendships with other drug-dependent youths give them social support for their habit. Empirical research efforts show that a youth’s association with friends who are substance abusers increases the probability of drug use.<sup>38</sup> The relationship is reciprocal: adolescent substance abusers seek friends who engage in these behaviors, and associating with drug abusers increases drug abuse. Peer networks may be the most significant influence on long-term substance abuse. Shared feelings and a sense of intimacy mean youths are entangled in what has been described as the “drug-use subculture.”<sup>39</sup> Research indicates that drug users have warm relationships with substance-abusing peers who help support their behaviors.<sup>40</sup> These behaviors can also be reinforced through adolescent peer networks brought about by dating and romantic relationships.<sup>41</sup> This lifestyle provides users with a clear role, activities they enjoy, and an opportunity for attaining status among their peers.<sup>42</sup> One reason it is so difficult to treat hard-core users is that quitting drugs means leaving the “fast life” of the streets.

While the association between having drug-using peers and personal substance abuse has been well tested, the peer effect may be nonlinear. That is, peers’ support increases at first when peers support drug usage, but once a tipping point is reached,

the association decreases; this suggests a “saturation” effect. Past a certain point, kids may feel that the legal and health consequences of taking drugs outweigh peer pressure and support.<sup>43</sup> Peer approval and support are important, but so is the fear of death by overdose or a prison sentence.

## Family Factors

Poor family life is an explanation for drug use. Studies have found that most drug users have had an unhappy childhood, including harsh punishment and parental neglect.<sup>44</sup> It is common to find substance abusers within large families where parents are divorced, separated, or absent.<sup>45</sup> Having drug-using parents is also a precursor to personal substance abuse: prenatal exposure to various illicit substances, such as cocaine, has also been associated with adolescent drug use.<sup>46</sup>

Social psychologists also suggest that drug-abuse patterns may also result from observation of parental drug use.<sup>47</sup> Youths who learn that drugs provide pleasurable sensations may be most likely to experiment with illegal substances; a habit may develop if the user experiences lower anxiety and fear.<sup>48</sup> Research shows that gang members raised in families with a history of drug use were more likely than other gang members to use cocaine and to use it seriously. And even among gang members, parental abuse was a critical factor in the onset of adolescent drug use.<sup>49</sup> Observing drug abuse may be a more important cause of drug abuse than other family-related problems.

Other family factors associated with teen drug abuse include parental conflict over childrearing practices, failure to set rules, and unrealistic demands followed by harsh punishments. Low parental attachment, rejection, and excessive family conflict have all been linked to adolescent substance abuse.<sup>50</sup>

## Genetic Factors

The association between parental drug abuse and adolescent behavior may have a genetic basis.<sup>51</sup> Biological children of alcoholics reared by nonalcoholic adoptive parents develop alcohol problems more often than the natural children of adoptive parents.<sup>52</sup> Studies comparing alcoholism among identical and fraternal twins have found that the degree of concordance (both siblings behaving identically) is twice as high among the identical twin groups.<sup>53</sup>

A genetic basis for drug abuse is also supported by evidence showing that future substance abuse problems can be predicted by behavior exhibited as early as 6 years of age. The traits predicting future abuse are independent of peer relations and environmental influences.<sup>54</sup>

## Emotional Problems

Drug use has been linked to possessing emotional problems that can strike youths in any economic class. Drug abuse may help youths control or express unconscious needs. Adolescents who internalize their problems may use drugs to reduce their feelings of inadequacy. Introverted people may use drugs to escape real or imagined feelings of inferiority.<sup>55</sup> Another view is that adolescents who externalize their problems and blame others for their perceived failures are likely to engage in antisocial behaviors, including substance abuse. Research exists to support each of these positions.<sup>56</sup>

Drug abusers are also believed to exhibit psychopathic or sociopathic behavior characteristics, forming an **addiction-prone personality**.<sup>57</sup>

Research on the psychological characteristics of narcotics abusers does reveal the presence of a significant degree of pathology. Personality testing of users suggests that a significant percentage suffer from psychotic disorders. Studies have found that addicts suffer personality disorders characterized by a weak ego, a low frustration tolerance, and fantasies of omnipotence. Up to half of all drug abusers may also be diagnosed with antisocial personality disorder (ASPD), defined as a pervasive pattern of disregard for the rights of others.<sup>58</sup>

### **addiction-prone personality**

A personality that has a compulsion for mood-altering drugs, believed by some to be the cause of substance abuse.



## Problem Behavior Syndrome

For some adolescents, substance abuse is one of many problem behaviors that begin early in life and remain throughout life.<sup>59</sup> Longitudinal studies show that youths who abuse drugs are maladjusted, emotionally distressed, and have many social problems.<sup>60</sup> Having a deviant lifestyle means associating with delinquent peers, living in a family where parents and siblings abuse drugs, being alienated from the dominant values of society, and engaging in delinquent behaviors at an early age.<sup>61</sup>

Youths who abuse drugs lack a commitment to religious values, disdain education, and spend most of their time in peer activities.<sup>62</sup> Youths who take drugs do poorly in school, have high dropout rates, and maintain drug use after they leave school.<sup>63</sup>

## Rational Choice

Youths may choose to use drugs because they want to get high, relax, improve their creativity, escape reality, or increase their sexual responsiveness. Research indicates that adolescent alcohol abusers believe getting high will increase their sexual performance and facilitate their social behavior; they care little about negative consequences.<sup>64</sup> Substance abuse may be a function of the rational, albeit mistaken, belief that substance abuse benefits the user.<sup>65</sup>

Teens may also see the drug life as a path to wealth and respect. Not only do they take drugs, but they also deal and trade them with other teens. Most research suggests that street-level dealers make less than expected, considering their risks. Nonetheless, even the small amounts they earn may be greater than most could hope to have earned in legitimate jobs, considering their skills and education.<sup>66</sup> And there is always that expectation that they will become bigger dealers and make more as they progress into adulthood.

Exhibit 11.2 presents the various views of the onset of teen drug abuse.

## Pathways to Drug Abuse

There is no single path to becoming a drug abuser. However, it is generally believed that most users start young using alcohol as a **gateway drug** to harder substances. Drug involvement typically begins with smoking cigarettes and drinking alcohol at an early age, which progresses to experimentation with recreational drugs such as marijuana and, finally, to more addictive substances such as heroin.<sup>67</sup> Youths who begin their substance abuse careers early—by experimenting with alcohol at age 7, getting drunk at age 8, having alcohol with an adult present by age 9, and becoming regular drinkers while still in their adolescence—are the ones who may later escalate

**LO4**

Identify the different behavior patterns of drug-involved youths

### gateway drug

A substance that leads to use of more serious drugs; alcohol use has long been thought to lead to more serious drug abuse.

### Exhibit 11.2

#### Key Reasons Why Youths Take Drugs

|                                  |  |
|----------------------------------|--|
| <b>Social disorganization</b>    | Poverty; growing up in a disorganized urban environment      |
| <b>Racial bias</b>               | Bias causes the frustration and anger that leads to drug use |
| <b>Peer pressure</b>             | Associating with youths who take drugs                       |
| <b>Family factors</b>            | Poor family life, including harsh punishment, neglect        |
| <b>Genetic factors</b>           | Parents abuse drugs  |
| <b>Emotional problems</b>        | Feelings of inadequacy; blame others for failures            |
| <b>Problem behavior syndrome</b> | Drug use is one of many problem behaviors                    |
| <b>Rational choice</b>           | Perceived benefits, including relaxation, greater creativity |

their drug use to more dangerous and addictive substances such as crack cocaine or fentanyl.<sup>68</sup> Even tobacco products can be problematic since nicotine is a gateway drug for subsequent cocaine abuse. If teen drinking and smoking could be reduced, the gateway to hard drugs would be narrowed.

What are the patterns of teenage drug use? Are all abusers similar, or are there different paths to drug abuse and drug dealing? Research indicates that drug-involved youths take on different roles, lifestyles, and behavior patterns, some of which are described in the next sections.<sup>69</sup>

## Adolescents Who Distribute Small Amounts of Drugs

Many adolescents who use and distribute small amounts of drugs do not commit any other serious delinquent acts. They occasionally sell marijuana, crystal, ecstasy, and PCP to support their own drug use. Their customers include friends, relatives, and acquaintances. They arrange deals over the net, in school, or at public meeting places.

Petty dealers do not consider themselves “seriously” involved in drugs. One girl commented, “I don’t consider it dealing. I’ll sell hits of speed to my friends, and joints and nickel bags [of marijuana] to my friends, but that’s not dealing.” Petty dealers are insulated from the justice system because their activities rarely result in apprehension. Few adults notice their activities because these adolescents maintain a relatively conventional lifestyle.

## Adolescents Who Frequently Sell Drugs

A small number of adolescents are high-rate dealers who bridge the gap between adult drug distributors and adolescent users. Though many are daily users, they take part in many normal activities, including going to school and socializing with friends.

Frequent dealers often have adults who “front” for them—that is, sell them drugs for cash. The teenagers then distribute the drugs to friends and acquaintances. They return most of the proceeds to the supplier, keeping a commission for themselves. They may also keep drugs for their personal use. Some consider their drug dealing a way of “getting high for free.”<sup>70</sup>

Frequent dealers are more likely to sell drugs in parks, schools, or other public places. Deals occur irregularly, so the chance of apprehension is not significant. This irregularity, combined with having to pay off others, means the amount drug dealers earn can be meager.

## Teenage Drug Dealers Who Commit Other Delinquent Acts

A more serious type of drug-involved youth is the one who distributes multiple substances and commits both property and violent crimes; many are also gang members.<sup>71</sup> These youngsters make up about 2% of the teenage population, but they may commit up to 40% of robberies and assaults and about 60% of all teenage felony thefts and drug sales. Few gender or racial differences exist among these youths. Girls are as likely as boys to become persistent drug-involved offenders, white youths as likely as Black youths, and middle-class adolescents raised outside cities as likely as lower-class city children.<sup>72</sup>

In cities, older dealers frequently hire these youths to act as street-level drug runners. Each crew member of 3 to 12 youths will handle small quantities of drugs; the supplier receives 50% to 70% of the drug’s street value. The crew members also act as lookouts, recruiters, and guards. Although they may be recreational drug users, crew members refrain from using addictive drugs like heroin. The young dealers commit robberies, burglaries, and other thefts between drug sales.

Most youngsters in the street drug trade terminate their dealing or become drug dependent. A few, however, develop entrepreneurial skills. Those who are rarely apprehended by police advance in the drug business. They develop their own crews and may handle more than half a million dollars a year.

In many instances, these drug dealer–delinquents are members of teenage gangs. The gangs maintain “rock houses,” or “stash houses,” that receive drug shipments arranged by members with the overseas connections and financial backing needed to wholesale drugs. The wholesalers pay the gang for permission to deal in their territory. Lower-echelon gang members help transport the drugs and work the houses, retailing cocaine and other drugs to neighborhood youths. Each member makes a profit for every ounce of rock sold. Police estimate that youths working in rock houses earn \$700 and up for a 12-hour shift.<sup>73</sup>

Some experts question whether gangs are responsible for as much drug dealing as the media would have us believe. Some believe that loosely organized neighborhood groups are replacing tightly organized “super” gangs. The turbulent drug-dealing environment is better handled by flexible organizations than by rigid, vertically organized gangs with a leader far removed from the action.<sup>74</sup>

## Focus on Delinquency

### Does Drug Dealing Pay?

It is difficult to measure how much street-level dealers earn accurately. Many give away drugs to friends, use them personally, or trade them for items such as weapons. For some, it's their main source of income, while for others, it's a side-line. While the media is full of stories of drug lords who earn billions and live in mansions, they are the exception rather than the rule. Most teen and young adult dealers earn more than they would in legitimate jobs without paying taxes, but few are really well off. In one of the first studies to investigate if drug dealing pays, economists Robert MacCoun and Peter Reuter found that drug dealers in Washington, DC, made about \$30 per hour when they were working and cleared on average about \$2,000 per month. These amounts are greater than most dealers could hope to have earned in legitimate jobs, but they are not enough to afford a steady stream of luxuries. Most small-time dealers also held conventional jobs.

In an analysis of the financial activities of a drug-selling street gang in Chicago, economist Steven Levitt and sociologist Sudhir Venkatesh found that the average hourly wage of drug dealers or “foot soldiers” was between \$2.50 and \$7.10. The results are based on a four-year period in which the gang was active. An average wage per month comes to about \$140 to \$470. In a typical month, drug dealers worked just over 50 hours. The hourly wage of drug dealers is substantially lower than the average wage for all gang members and the gang leader. This finding suggests that factors other than income may explain participation in this activity, at least for drug dealers.

In contrast, psychologists Michelle Little and Laurence Steinberg found that drug dealers derive a substantial income from selling drugs. Based on a large sample of serious male

juvenile offenders in Philadelphia who reported incomes from drug sales, their average weekly wage was found to be \$1,693, or more than \$6,700 per month. Based on Levitt and Venkatesh's finding that drug dealers worked a little over 50 hours per month, the average hourly wage for this group of drug dealers comes to \$135. Drug dealers who also held conventional jobs reported that their income from dealing was more than 40 times greater than what they made in the legal economy. More than half of the sample reported being involved in drug dealing for more than a year.

Of course, low-level drug dealing has not-so-hidden costs, ranging from serving a prison sentence to being killed by rivals. Nonetheless, income from drug sales serves as an important incentive for continued involvement in illicit activities and acts as a disincentive for participation in conventional goals and activities.

#### Critical Thinking

Many believe that drug dealers make a great deal of money, which contributes to the public's view that dealers should be subject to more punitive dispositions. Does this research change your opinion of how society should treat drug dealers? How might this research be used to deter juveniles from dealing drugs?

SOURCES: Katherine McLean and Philip Kavanaugh “I’m Not a Good Drug Dealer: Styles of Buprenorphine Diversion in a Multisite Qualitative Study,” *Substance Use and Misuse* 57: 452–460 (2022); Trevor Bennett and Katy Holloway, “How Do Students Source and Supply Drugs? Characteristics of the University Illegal Drug Trade,” *Substance Use & Misuse* 54:1530–1540 (2019); Michelle Little and Laurence Steinberg, “Psychosocial Correlates of Adolescent Drug Dealing in the Inner City: Potential Roles of Opportunity, Conventional Commitments, and Maturity,” *Journal of Research in Crime and Delinquency* 43:357–386 (2006); Steven D. Levitt and Sudhir Venkatesh, “An Economic Analysis of a Drug-Selling Gang’s Finances,” *Quarterly Journal of Economics* 115:755–789 (2000); Robert MacCoun and Peter Reuter, “Are the Wages of Sin \$30 an Hour? Economic Aspects of Street-Level Drug Dealing,” *Crime and Delinquency* 38:477–491 (1992).

## Losers and Burnouts

Some drug-involved youths are not savvy enough to join gangs or groups and instead begin committing unplanned crimes that increase their chances of arrest. Their heavy drug use increases their risk of apprehension and decreases their value for organized drug distribution networks.

Drug-involved “losers” can earn a living by steering customers to a seller in a “coping” area, touting drug availability for a dealer, or acting as a lookout. However, they are not considered trustworthy or deft enough to handle drugs or money. Though these offenders get involved in drugs at an early age, they receive little attention from the justice system until they have developed an extensive arrest record. By then, they are approaching the end of their minority and will either desist or become so entrapped in the drug-crime subculture that little can be done to deter their illegal activities.

## Persistent Offenders

About two-thirds of substance-abusing youths continue to use drugs in adulthood, but about half desist from other criminal activities. Those who persist in both substance abuse and crime maintain these characteristics:

- They come from low-income families.
- Other criminals are members of their families.
- They do poorly in school.
- They started using drugs and committing other delinquent acts at an early age.
- They use multiple types of drugs and commit crimes frequently.
- They have few opportunities to participate in legitimate and rewarding adult activities in late adolescence.<sup>75</sup>

Some evidence exists that these drug-using persisters have low nonverbal IQs and poor physical coordination. Nonetheless, little evidence explains why some drug-abusing youths drop out of crime while others remain active.

### LO5

Examine the relationship between drug use and delinquency

## Drug Use and Delinquency

Though an association between drug use and delinquency has been established, the connection may take many forms.<sup>76</sup> Crime may be an instrument of the drug trade: violence erupts when rival gangs use weapons to settle differences and establish territorial monopolies. At the height of the crack epidemic in the early 1980s, an estimated 35–40% of New York’s homicides were drug related.<sup>77</sup> Drug users may also commit crimes to pay for their habits. Teen drug users may be more willing to take risks because substance abuse lowers their inhibitions. Or the association between drug use and delinquency can be explained by a third variable: environmental instability, family conflict, and psychological problems.<sup>78</sup>

Several studies have substantiated the relationship between alcohol and drug abuse and delinquency. Some have found that youths who abuse alcohol are most likely to engage in violence; as adults, those with long drinking histories are more likely to report violent offending patterns.<sup>79</sup> High youth problem behaviors and delinquency levels, ranging from school suspensions to major theft to gun carrying, are associated with drug use and selling drugs.<sup>80</sup>

While most delinquents may not be drug users, police are more likely to apprehend muddle-headed substance abusers than clear-thinking abstainers. A second, more plausible interpretation of the existing data is that the drug abuse–crime connection is so powerful because many delinquents are substance abusers. It is more likely that a small core of substance-abusing adolescents commits a significant proportion of all serious crimes. It is also evident that a behavior—drug abuse—that develops later in adolescence influences the extent of delinquent activity throughout life.<sup>81</sup>



Even when a strong association can be found, the direction of the relationship is unclear. As a general rule, drug abuse appears to be a *type* of delinquent behavior and not a *cause* of delinquency. Most youths become involved in delinquent acts *before* they become involved with drugs; it is difficult to conclude that drug use causes crime.

It is also possible that a reciprocal and ongoing relationship exists between alcohol use and delinquency during adolescence. Part of the reason for this reciprocal relationship is that both behaviors weaken youths' bonds with society, thereby promoting continued alcohol use and delinquency.<sup>82</sup>

## Drug Control Strategies

LO6

Assess the pros and cons of the major drug control strategies

Billions of dollars are spent each year to reduce the importation of drugs, deter drug dealers, and treat users. Yet, although the overall incidence of drug use has declined, drug use has concentrated in the nation's poorest neighborhoods, with a consequent association between substance abuse and crime.

Many drug control strategies have been tried. Some are designed to deter drug use by stopping the flow of drugs into the country, apprehending dealers, and cracking down on street-level drug deals. Another approach is to prevent drug use by educating would-be users and convincing them to "say no" to drugs. A third approach is treating users so they can terminate their addictions. These and other drug control efforts are discussed in the following sections. Exhibit 11.3 reviews the key strategies.

## Law Enforcement Strategies

Law enforcement strategies seek to reduce the supply of drugs and, at the same time, deter would-be users from drug abuse.

**Source Control** One approach to drug control is to deter the sale of drugs through apprehension of large-volume drug dealers, coupled with enforcement of drug laws that carry heavy penalties. This approach is designed to punish known dealers and users and deter those considering entering the drug trade.

A significant effort has been made to cut off supplies of drugs by destroying overseas crops and arresting members of drug cartels; this approach is known as *source control*. The federal government has encouraged exporting nations to step up

### Exhibit 11.3

#### Key Drug Control Strategies

|                        |   |
|------------------------|---|
| <b>Law enforcement</b> | Preventing drugs from entering the country<br>Destroying crops used to make drugs<br>Arresting members of drug cartels and street-level dealers |
| <b>Education</b>       | Informing children about the dangers of drug use<br>Teaching children to resist peer pressure   |
| <b>Community-based</b> | Community organizations and residents taking action to deter drug dealing<br>Engaging youth in prosocial activities                             |
| <b>Treatment</b>       | Intervening with drug users, including counseling and experiential activities   |
| <b>Harm reduction</b>  | Minimizing the harmful effects caused by drug use and some of the more punitive responses to drug use   |
| <b>Legalization</b>    | Decriminalize or legalize recreational drug usage   |

efforts to destroy drug crops and prosecute dealers. Other less aggressive source control approaches have also been tried, such as crop substitution and alternative development programs for the largely poor farmers in other countries. Some suggest that success could be achieved in reducing narcotic crop production. Several South American nations, including Peru, Bolivia, and Colombia, have agreed to coordinate control efforts with the United States. However, translating words into deeds is a formidable task. Drug lords fight back through intimidation, violence, and corruption.

Even when efforts are successful in one area, they may cause a shift in production to another area or a targeted crop being replaced by another. When enforcement efforts in Peru and Bolivia reduced crops, Colombia became the premier coca-cultivating country. When the Colombian government mounted an effective eradication campaign in the traditional growing areas, the cartel linked up with rebel groups in remote parts of the country for their drug supply.

Some major drug-producing nations are beyond the control of U.S. authorities, and little can be done to get them to stop the drug trade. Take the significant increase in heroin production in Afghanistan. Despite the Taliban's public statements condemning poppy farming and heroin production, this increase has occurred. Afghanistan is the world's leading producer of heroin, with more than 500,000 acres under cultivation devoted to growing the opium poppy, the key source for many narcotics, including morphine and heroin.<sup>83</sup> The 2021 opium harvest produced more than 6,000 tons, potentially yielding up to 320 tons of pure heroin to be trafficked to markets worldwide. Rather than controlling drug production, the Taliban are now expanding into new markets, such as producing and selling methamphetamine.<sup>84</sup>

**Border Control** Law enforcement efforts have also interdicted drug supplies as they enter the country. Border patrols and military personnel have participated in massive interdiction efforts, making many billion-dollar seizures. About one million pounds of illegal drugs are seized in a typical year, about one-third being marijuana.<sup>85</sup> Between one-quarter and one-third of the annual cocaine supply shipped to the United States is seized by drug enforcement agencies. Yet U.S. borders are so vast and unprotected that meaningful interdiction is impossible. And drug importers are constantly devising new methods of importation. Take, for instance, a recent Drug Enforcement Administration bust involving the seizure of a van driven by smugglers from a loading dock in New Jersey. Inside the rental van were 460 kilograms of cocaine packaged inside 10 large metal lawn rollers. Records indicate that the lawn rollers were shipped from Puerto Rico to New Jersey, with a consignee in the Bronx, New York.<sup>86</sup>

Even if all importation were ended, homegrown marijuana and lab-made drugs such as ecstasy could become the drugs of choice. Even now, their easy availability and relatively low cost are increasing their popularity; they are a \$10 billion plus business in the United States today.

**Targeting Dealers** Law enforcement agencies have also focused on drug trafficking, making efforts to bust large-scale drug rings. The long-term consequence has been decentralizing drug dealing and encouraging teenage gangs to become major suppliers. Ironically, it has proven easier for federal agents to infiltrate traditional organized crime groups than to take on drug-dealing gangs.

Police can also intimidate and arrest street-level dealers and users to make drug use so much of a hassle that consumption is cut back. Some street-level enforcement efforts have had success, but others are considered failures. A review of more than 300 international studies on police crackdowns on drug users and dealers found that this approach can have unforeseen consequences: An increase in violence occurred due to these law enforcement practices.<sup>87</sup> "Drug sweeps" have also clogged correctional facilities with petty offenders while proving a drain on police resources. These sweeps are also suspected of creating a displacement effect: stepped-up efforts to curb drug dealing in one area or city may encourage dealers to seek friendlier territory.<sup>88</sup>

## Education Strategies

Another approach to reducing teenage substance abuse relies on educational programs, the most well-known being Drug Abuse Resistance Education (DARE). This joint effort between the Los Angeles County (Calif.) School District and the Los Angeles police department was developed in 1983. In 1986, the U.S. Congress passed the Drug-Free Schools and Communities Act to promote drug-abuse education and prevention programs across the country. DARE spread rapidly, with many school districts adopting it. By 1994, DARE was the most widely used school-based drug prevention program in all 50 states and spread to six foreign countries. However, evaluations found the program less than effective, and a new curriculum, less dependent on police participation, was developed called “Take Charge of Your Life.” An evaluation found that the new curriculum reduced the use of marijuana among teens who reported using it at the start of the study but increased the initiation of smoking and drinking among teens. The end result: DARE America, the organization overseeing the program, will no longer use the new curriculum and replaced it again with the Keepin’ it REAL program discussed in the Treating Delinquency Feature.<sup>89</sup>

An overwhelming majority of public school districts across the United States have implemented drug education programs with various components, including teaching students about the causes and effects of alcohol, drug, and tobacco use; teaching students to resist peer pressure; and referring students for counseling and treatment. Other education programs, such as Project ALERT, which now operates in all 50 states, successfully train middle school youths to avoid recreational drugs and resist peer pressure to use cigarettes and alcohol.<sup>90</sup> The latest survey of evidence-based drug use prevention programs shows that they are increasingly being implemented in middle schools across the country.<sup>91</sup>

## Community Strategies

Another type of drug control effort relies on local community groups. Representatives of local government agencies, churches, civic organizations, and similar institutions are being brought together to create drug-prevention programs. Their activities include drug-free school zones; encouraging police to keep drug dealers away from schools; Neighborhood Watch programs, reporting drug dealers; citizen patrols, frightening dealers away from public-housing projects; and community centers, providing an alternative to the street culture.

Community-based programs reach out to some of the highest-risk youths, often missed by the well-known education programs in schools.<sup>92</sup> These programs try to get youths involved in after-school programs offering counseling, delivering clothing, food, and medical care when needed, and encouraging school achievement. Community programs also sponsor drug-free activities involving the arts, clubs, and athletics. In many respects, evaluations of community programs have shown that they may encourage antidrug attitudes and help insulate participating youths from an environment that encourages drugs.<sup>93</sup>

## Treatment Strategies

Several strategies have been tried on adolescent users in drug treatment facilities. Some efforts stem from the perspective that users have low self-esteem and use various techniques to build up their sense of self. Some use psychological counseling, and others, such as the **multisystemic therapy (MST)** technique developed by Scott Henggeler, direct attention to family, peer, and psychological problems by focusing on problem solving and communication skills.<sup>94</sup> Because of its importance and effectiveness as a drug and delinquency treatment strategy, MST is the subject of the accompanying Treating Delinquency Feature.

Another approach involves users in outdoor activities, wilderness training, and after-school community programs.<sup>95</sup> More intensive efforts use group therapy, in which

### **multisystemic therapy (MST)**

Addresses a variety of family, peer, and psychological problems by focusing on problem solving and communication skills training.

# Treating Delinquency

## Keepin' It REAL

The Keepin' it REAL program is a video-enhanced intervention that uses a culturally grounded resiliency model to incorporate traditional ethnic values and practices that protect against drug use. The goal is to teach students how to resist substance use through practical, easy-to-remember and -use strategies embodied in the acronym REAL (Refuse, Explain, Avoid, Leave).

The curriculum initially targeted middle school adolescents in the urban Southwest. They were considered at risk of substance use because of poverty and other factors, such as immigration status, English acquisition, and acculturation stress. The program intervened with students before they began to engage in risky behaviors like alcohol and drug experimentation. Although Keepin' it REAL was initially designed as a school-based prevention program for middle school students, it has been implemented with youths ages 11 through 18.

Keepin' it REAL is based on previous work demonstrating that teaching communication and life skills can combat the influence of negative peers and other negative influences. The program extends resistance- and life-skills models using a culturally based narrative and performance framework to enhance antidrug norms, attitudes, decision-making, problem-solving, and resistance skills. The program is culturally grounded.

Key components of the program draw on numerous theoretical perspectives, including Communication Competence Theory, Narrative Theory, the Focus Theory of Norms, and Ecological Risk and Resiliency. These different perspectives relate to cultural values and norms, which provide a basis for the content and structure of the curriculum. The program teaches youths to live drug-free lives

by building on their existing cultural and communication strengths and the strengths of their families and communities. Using Keepin' it REAL strategies, students learn how to recognize risk, value their perceptions and feelings, embrace their cultural values (e.g., avoiding confrontation and conflict in favor of maintaining relationships and respect), and make choices that support them.

The curriculum includes 10 sequential lessons taught in class over a 2- to 3-month period. The curriculum has six core elements: (1) communication competence and ethnic variations thereof; (2) narrative-based knowledge to enhance identification with the prevention message; (3) different types of social norms (personal, injunctive, and descriptive) as motivators in substance use; (4) social learning of life skills and their key role in risk assessment and decision-making; (5) drug-resistance strategies most commonly and effectively employed by adolescents; and (6) the local social context. The curriculum is culturally sensitive and changes—with some strategies receiving more stress in one version than in the other—depending on the ethnic makeup of the audience.

### Critical Thinking

Are the reasons for teenage drug use so complex that a single school-based program is doomed to fail? What elements would your own substance abuse education program have if you were asked to design one for the local school system.

SOURCE: Keepin' it REAL, youth.gov, 2022 <https://youth.gov/content/keepin%25E2%2580%2599-it-real>

leaders try to give users the skills and support to help them reject the social pressure to use drugs. These programs adopt the Alcoholics Anonymous philosophy that users must find the strength to stay clean and that support from those who understand their experiences can be a successful way to achieve a drug-free life. One effective approach is brief alcohol intervention, which incorporates therapeutic components and consists of a small number of sessions (as few as one and as many as five) delivered by medical professionals or psychologists. Brief interventions for adolescents and young adults targeted at alcohol and other illicit drugs effectively reduce both substances. Still, brief interventions targeted only on alcohol did not affect other drug use.<sup>96</sup>

Residential programs are used with more heavily involved drug abusers. Some are detoxification units that use medical procedures to wean patients from the more addicting drugs. Others are therapeutic communities that attempt to deal with the psychological causes of drug use. Hypnosis, aversion therapy (getting users to associate drugs with unpleasant sensations, such as nausea), counseling, biofeedback, and other techniques are often used.



# Treating Delinquency

## Multisystemic Therapy

Multisystemic Therapy (MST) is an increasingly popular multimodal treatment approach designed for serious juvenile offenders. MST is an intensive family- and community-based treatment that addresses the multiple causes of serious antisocial behavior in juvenile offenders. The MST program seeks to improve the real-world functioning of youth by changing their natural settings—home, school, and neighborhood—in ways that promote prosocial behavior while decreasing antisocial behavior. Therapists work with youth and their families to address the known causes of delinquency on an individualized yet comprehensive basis. By using the strengths in each system (family, peers, school, and neighborhood) to facilitate change, MST addresses the multiple factors related to delinquency across the key systems within which youth are embedded. The extent of treatment varies by family according to clinical need. Therapists generally spend more time with families in the initial weeks (daily if needed) and gradually taper their time (to as infrequently as once a week) over the 3- to 5-month treatment. Within a context of support and skill building, the therapist places developmentally appropriate demands on adolescents and their families to reduce problem behavior. Initial therapy sessions identify the strengths and weaknesses of the adolescent, the family, and their transactions with extrafamilial systems (e.g., peers, friends, school, parental workplace). Problems both family members and the therapist identify are explicitly targeted for change by using the strengths in each system. Treatment approaches are derived from well-validated strategies such as strategic family therapy, structural family therapy, behavioral parent training, and cognitive behavioral therapy.

At the family level, MST interventions aim to remove barriers to effective parenting (e.g., high stress, and marital conflict) to promote affection and communication among family members. Interventions might include introducing systematic monitoring, reward, and discipline systems; prompting parents to communicate effectively with each other about adolescent problems; problem-solving day-to-day conflicts; and developing social support networks. At the peer level, interventions frequently are designed to decrease affiliation with delinquent and drug-using peers and to increase affiliation with prosocial peers. Interventions in the school domain may focus on establishing positive lines of communication between parents and teachers, parental monitoring of the adolescent's school performance, and restructuring after-school hours to support academic efforts. Individual level interventions generally involve using cognitive behavior therapy to modify the individual's social perspective-taking skills,

belief system, or motivational system, and encouraging the adolescent to deal assertively with negative peer pressure.

MST has successfully reduced delinquency, substance abuse, and other problematic behaviors in several experiments with serious juvenile offenders. MST has over 60 published studies, with most of the findings from randomized studies providing evidence that MST can produce short- and long-term reductions in criminal behavior and out-of-home placements for serious juvenile offenders. For example, in a Columbia, Missouri study, MST resulted in decreased behavior problems in MST youth, relative to controls immediately after treatment. Additionally, MST families reported more cohesion, adaptability, and supportiveness, and less conflict-hostility than control families. At the four-year follow-up, 26% of the MST treatment group had been arrested at least once, compared to 71% of those in individual therapy. At around 14 years and 22 years post-treatment, MST participants, compared to control counterparts, were less likely to be arrested and had fewer arrests and fewer days in confinement. At 25 years post-treatment, an evaluation of siblings of the original subjects found that siblings in the control group were significantly more likely to have been arrested at least once as compared to siblings in the treatment group. An independent replication in Norway showed that MST, in comparison with usual services, decreased youth externalizing and internalizing symptoms and out-of-home placements and that some effects were sustained for at least two years.

MST has proven to be cost-effective, returning \$1.62 for every dollar invested.

### Critical Thinking

1. What factors account for MST's success in reducing delinquency, substance abuse, and other problematic behaviors?
2. How does MST compare with other treatment strategies to reduce juvenile drug use? Do you think more communities should use it to address juvenile drug use? If so, what are the most important challenges that the program will need to address?

SOURCES: Blueprints for Healthy Youth Development, University of Colorado Boulder Institute of Behavioral Science, 2022 [https://www.blueprintsprograms.org/multisystemic-therapy-mst/#:~:text=Multisystemic%20Therapy%20\(MST%20,out%2Dof%2Dhome%20placement,Stephanie%20Lee,Steve%20Aos,Elizabeth%20Drake,Anne%20Pennucci,Marna%20Miller,and%20Laurie%20Anderson,Return%20on%20Investment%20Evidence-Based%20Options%20to%20Improve%20Statewide%20Outcomes%20\(Olympia:Washington%20State%20Institute%20for%20Public%20Policy,2012\);Brandon%20Welsh%20and%20Peter%20Greenwood,%20Making%20It%20Happen%20State%20Progress%20in%20Implementing%20Evidence-Based%20Programs%20for%20Delinquent%20Youth,%20Youth%20Violence%20and%20Juvenile%20Justice%2013:243-257%20\(2015\).](https://www.blueprintsprograms.org/multisystemic-therapy-mst/#:~:text=Multisystemic%20Therapy%20(MST%20,out%2Dof%2Dhome%20placement,Stephanie%20Lee,Steve%20Aos,Elizabeth%20Drake,Anne%20Pennucci,Marna%20Miller,and%20Laurie%20Anderson,Return%20on%20Investment%20Evidence-Based%20Options%20to%20Improve%20Statewide%20Outcomes%20(Olympia:Washington%20State%20Institute%20for%20Public%20Policy,2012);Brandon%20Welsh%20and%20Peter%20Greenwood,%20Making%20It%20Happen%20State%20Progress%20in%20Implementing%20Evidence-Based%20Programs%20for%20Delinquent%20Youth,%20Youth%20Violence%20and%20Juvenile%20Justice%2013:243-257%20(2015).)

Little evidence suggests that these residential programs can effectively reduce teenage substance abuse.<sup>97</sup> Many are restricted to families whose health insurance will pay for short-term residential care; when the coverage ends, the children are released. Adolescents do not often enter these programs voluntarily, and most have little motivation to change.<sup>98</sup> A stay can stigmatize residents as “addicts,” even though they never used hard drugs; while in treatment, they may be introduced to hard-core users with whom they will associate upon release.

## Harm Reduction Strategies

### harm reduction

Efforts to minimize the harmful effects caused by drug use.

A **harm reduction** approach involves lessening the harms caused to youths by applying non-punitive responses to drug use. Harm reduction encapsulates some of the efforts advanced under the community and treatment strategies noted above. Still, it maintains as its primary focus efforts to minimize the harmful effects of drug use. This approach includes the following components:

- The availability of drug treatment facilities so that all addicts who wish to do so can overcome their habits and lead drug-free lives
- The use of health professionals to administer drugs to addicts as part of a treatment and detoxification program
- Needle exchange programs that will slow the transmission of blood-borne diseases such as HIV and Hepatitis C
- Special drug courts or pretrial diversion programs that compel drug treatment (juvenile drug courts are discussed in Chapter 13)<sup>99</sup>

Needle exchange programs—providing drug users with clean needles in exchange for used ones—help maintain the low prevalence of HIV transmission and lower rates of hepatitis C among drug users. Methadone maintenance clinics, where heroin users receive doctor-prescribed methadone (a nonaddictive substance that satisfies the cravings caused by heroin), have been shown to reduce illegal heroin use and criminal activity.<sup>100</sup>

Critics of the harm reduction approach warn that it condones or promotes drug use, “encouraging people either to continue using drugs or to start using drugs, without recognizing the dangers of their addiction.”<sup>101</sup> On the other hand, advocates refer to harm reduction as an important first step in dealing with drug use: “There are safer ways of using drugs, and harm reduction for patients is a valuable interim measure to help them make informed choices and improve their overall health.”<sup>102</sup>

Advocates also call for this approach to replace the War on Drugs, and claim that this change in drug policy will help solve two key problems caused by punitive responses. First, it will reduce the number of juvenile and adult offenders being sent to overcrowded institutionalized settings for what amounts to less serious offenses. Second, it will discourage police crackdowns in minority neighborhoods that result in racial minorities being arrested and formally processed at much higher rates for drug offenses.<sup>103</sup> The War on Drugs has also been a major source of the racial discrimination that occurs in both the adult and juvenile justice systems.<sup>104</sup> (For more on racial discrimination in the juvenile justice system, see Chapters 13, 14, and 15.)

### LO7

Discuss the benefits and drawbacks of a drug legalization policy

## Legalization Strategies

The United States appears willing to go to great lengths to fight the drug war.<sup>105</sup> The financial cost alone of the 40-year war is about \$1 trillion.<sup>106</sup> Innovative prevention and treatment programs have emerged. Indeed, the National Research Council’s scientific panel on the demand for illegal drugs concluded that the short-term effectiveness of many treatment modalities has been “repeatedly and convincingly demonstrated” and called for greater research to investigate the long-term benefits.<sup>107</sup> Yet all drug control strategies are doomed to fail as long as youths want to take drugs and drugs remain widely available and accessible. Prevention, deterrence, and treatment strategies

ignore the core reasons for the drug problem: poverty, alienation, and family disruption. As the gap between rich and poor widens and the opportunities for legitimate advancement decrease, it should come as no surprise that adolescent drug use continues.

Some commentators have called for the **legalization of drugs**. This approach can have the short-term effect of reducing the association between drug use and crime (presumably, the cost of drugs would decrease), but it may have grave consequences. Drug use would most certainly increase, creating an overflow of unproductive people who must be cared for by the rest of society. The problems of teenage alcoholism should warn of what can happen when controlled substances are readily available. In the current climate of some states allowing the recreational use of marijuana, further research is needed to examine the direct and indirect effects of partial decriminalization on drug-use rates.

Law enforcement efforts may have little influence on drug abuse rates as long as dealers can earn more than the minimal salaries they might earn in the legitimate world. Only by giving youths legitimate future alternatives can hard-core users be made to forgo drug use willingly.<sup>108</sup>

### **legalization of drugs**

Decriminalizing drug use to reduce the association between drug use and crime.

## **Summary**

### **LO1 Identify which drugs are most frequently abused by American youth**

- Alcohol is the drug most frequently abused by American teens.
- Other popular drugs include marijuana and prescription drugs.

### **LO2 Interpret the extent of the drug problem among American youth today**

- Self-report surveys indicate that just under half of all high school seniors have tried drugs.
- Surveys of arrestees indicate that a significant proportion of teenagers are drug users, and many are high school dropouts.
- The number of drug users may be even higher than surveys suggest because surveys of teen abusers may be missing the most delinquent youths.

### **LO3 Appraise the main explanations for why youths take drugs**

- The main reasons youths take drugs include growing up in disorganized areas with a high degree of hopelessness, poverty, and despair; peer pressure; parental substance abuse; emotional problems; and suffering from general problem behavior syndrome.

### **LO4 Identify the different behavior patterns of drug-involved youths**

- Some youths are occasional users who might sell to friends.

- Others are seriously involved in both drug abuse and delinquency; many of these are gang members.
- There are also “losers,” who filter in and out of the juvenile justice system, and a small percentage of teenage users remain involved with drugs into adulthood.

### **LO5 Examine the relationship between drug use and delinquency**

- It is not certain whether drug abuse causes delinquency.
- Some experts believe there is a common cause for both delinquency and drug abuse—perhaps alienation and rage.

### **LO6 Assess the pros and cons of the major drug control strategies**

- Some try to inhibit the importation of drugs, others to close down major drug rings, and a few to stop street-level dealing.
- There are also attempts to treat users through rehabilitation programs, reduce juvenile use by educational efforts, and implement harm reduction measures.
- These efforts have not been totally successful, although overall use of drugs may have declined somewhat.
- It is difficult to eradicate drug abuse because so much profit can be made from selling drugs.

## **LO7** Discuss the benefits and drawbacks of a drug legalization policy

- Drug control strategies are doomed to fail as long as youths want to take drugs, and drugs remain widely available and accessible.
- Legalization would reduce the cost of drugs, and therefore, the need to commit crime supports habits.
- Drug use may increase, creating an overflow of unproductive people who must be cared for by the rest of society.
- Legalization supporters argue that it would significantly reduce the violence and other criminal activity associated with international drug dealing.

## Key Terms

substance abuse, p. 421  
marijuana, p. 422  
hashish, p. 422  
cocaine, p. 423  
crack, p. 423  
heroin, p. 423  
addict, p. 423  
alcohol, p. 424

anesthetic drugs, p. 424  
inhalants, p. 425  
sedatives, p. 425  
tranquilizers, p. 425  
hallucinogens, p. 425  
stimulants, p. 425  
anabolic steroids, p. 426  
designer drugs, p. 426

addiction-prone personality, p. 432  
gateway drug, p. 433  
multisystemic therapy (MST), p. 439  
harm reduction, p. 442  
legalization of drugs, p. 443

## Questions for Discussion

1. Discuss the differences among the various categories and types of substances of abuse. Is the term “drugs” too broad to have real meaning?
2. Why do you think youths take drugs? Do you know anyone with an addiction-prone personality?
3. What policy might be the best strategy to reduce teenage drug use: Source control? Reliance on treatment? National education efforts? Community-level enforcement? Harm reduction measures?
4. Under what circumstances, if any, might the legalization or decriminalization of drugs be beneficial to society?
5. Do you consider alcohol a drug? Should tighter controls be placed on the sale of alcohol?
6. Do TV shows and films glorify drug usage and encourage youths to enter the drug trade? Should all images of drinking and smoking be banned from TV?

## Viewpoint

The president has appointed you the new “drug czar.” You have \$10 billion under your control to wage your campaign. You know that drug use is unacceptably high, especially among poor, inner-city kids, and that a great deal of delinquency is drug-related. You also know that thousands of gangs containing more than 500,000 members are expanding their drug dealing operations around the United States.

At an open hearing, drug control experts express their policy strategies. One group favors putting the money

into hiring new law enforcement agents who will patrol borders, target large dealers, and make drug raids here and abroad. They also call for such get-tough measures as the creation of strict drug laws and the mandatory waiver of young drug dealers to the adult court system.

A second group believes the best way to deal with drugs is to spend the money on community treatment programs, expand the number of beds in drug detoxification units, and fund research on clinically reducing drug dependency.



A third group argues that neither punishment nor treatment can restrict teenage drug use. The best course is to educate at-risk kids about the dangers of substance abuse and then legalize all drugs but control their distribution. This course of action will help reduce crime and violence among drug users and also balance the national debt because drugs could be heavily taxed.

- Do you believe drugs should be legalized? If so, what might be the negative consequences of legalization?
- Can any law enforcement strategies reduce drug consumption?
- Is treatment an effective drug control technique?
- Will teens listen when teachers or government officials warn them about the dangers of taking drugs?

## Doing Research on the Web

The following organizations provide more information on different approaches to reducing teenage drug use. Before you answer the questions above, check out their websites.

- The Open Society Institute (<http://www.opensocietyfoundations.org>) has a special interest in alleviating the harms caused by drug use and punitive drug policies.
- The Centers for Disease Control and Prevention, through its Office on Smoking and Health (<https://www.cdc.gov/tobacco/about/osh/index.htm>), is the lead federal agency for comprehensive tobacco prevention and control.
- The mission of the National Institute on Drug Abuse (<http://www.drugabuse.gov/>) is to lead the nation in bringing the power of science to bear on drug abuse and addiction.
- The National Center on Addiction and Substance Abuse (<https://ccsso.org/resource-library/national-center-addiction-and-substance-abuse-casa>) brings together all the professional disciplines needed to study and combat abuse of all substances.
- The U.S. Customs and Border Protection (<http://www.cbp.gov/>) has many components, one of which is enforcing drug laws.

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# Part Four

## The Juvenile Justice System

For more than 100 years, a separate juvenile justice system has featured its own unique rules, institutions, laws, and processes. The legal separation of juvenile and adult offenders reflects society's concern for the plight of children. Ideally, “care, protection, and treatment” rather than “control, punishment, and deterrence” are the bywords of the juvenile justice system. These goals are not easy to meet: the public's fear of violent youth has caused some delinquent youth to be treated more like adult offenders than children in need of services. Because of these concerns, the treatment of delinquents has become an American dilemma. Severe punishment seems to have little deterrent effect on teenagers—if anything, it may prepare them for a life of adult criminality. Many incarcerated adult felons report that they were institutionalized as youths.

So, on balance, the juvenile justice system is caught between the futility of punishing juveniles and the public's demand that something be done about serious juvenile crime. Yet the rehabilitative ideal of the juvenile justice system has not been totally lost. Juvenile justice experts continue to press for judicial fairness, rehabilitation, and innovative programs for juvenile offenders.

Part Four provides a general overview of the juvenile justice system, including its process, history, and legal rules. Chapter 12 reviews the history and development of juvenile justice and provides an overview of its major components, processes, goals, and institutions. Chapter 13 deals with police handling of delinquent and status offenders. It contains information on the police role, the organization of police services, legal rights of minors in police custody, and prevention efforts. Chapter 14 is concerned with the juvenile court process. It describes such issues and programs as diversions; the transfer of youths to adult courts; legal rights during the trial; the roles of the prosecutor, the juvenile court judge, and the defense attorney; and the sentencing of juvenile offenders. Chapter 15 discusses efforts to treat juveniles been found to be delinquent. It reviews the history and practices of probation, community corrections, and juvenile institutions.

### **Chapter 12**

Juvenile Justice: Then and Now

### **Chapter 13**

Police Work with Juveniles

### **Chapter 14**

Juvenile Court Process: Pretrial, Trial, and Disposition

### **Chapter 15**

Juvenile Corrections: Probation, Community Treatment, and Institutionalization

# 12

# Juvenile Justice: Then and Now

## Learning Objectives

- 1** Illustrate the major social changes leading to the creation of the first modern juvenile court in Chicago in 1899
- 2** Discuss some of the landmark Supreme Court decisions that have influenced present-day juvenile justice procedures
- 3** Identify how children are processed by the juvenile justice system, beginning with arrest and concluding with reentry into society
- 4** Explain the conflicting values in contemporary juvenile justice
- 5** Compare key similarities and differences between the adult and juvenile justice systems
- 6** Evaluate the key elements of a comprehensive juvenile justice strategy to deal with juvenile delinquency
- 7** Discuss the differences between prevention and intervention efforts to reduce juvenile delinquency
- 8** Identify and comment on pressing issues in the future of juvenile justice

## Chapter Outline

### Juvenile Justice in the Nineteenth Century

- Urbanization
- The Child-Saving Movement
- Houses of Refuge
- Were They Really Child Savers?
- Development of Juvenile Institutions
- Children's Aid Society
- Society for the Prevention of Cruelty to Children

### A Century of Juvenile Justice

- The Illinois Juvenile Court Act and Its Legacy
- Reforming the System

Federal Commissions and Reform Acts

### Juvenile Justice Today

- The Juvenile Justice Process
- Conflicting Values in Juvenile Justice
- Criminal Justice vs. Juvenile Justice

### A Comprehensive Juvenile Justice Strategy

- Prevention
- Intervention
- Graduated Sanctions
- Institutional Programs
- Alternative Courts

### Future of Juvenile Justice

## Chapter Features

**Focus on Delinquency:** Key Provisions of the Juvenile Justice Reform Act of 2018

**International Delinquency:** Juvenile Justice Systems Across Countries

**Professional Spotlight:** Carla Stalnaker

**Treating Delinquency:** Teen Courts and Drug Courts

**Jennifer Hobbs**, a bright young woman, lived in a fast-paced urban community with her parents and two younger brothers. At 16 years old, she found herself in trouble. Jennifer had gone to a party, had too much to drink, and then found out that her boyfriend, Sam, whom she had dated for several months and with whom she felt she had a serious relationship, had been cheating on her with a classmate. She was irate. Although Sam was not at the party, the other girl was there. She and Jennifer had words and threw a few punches at each other. Both were asked to leave, but Jennifer refused, and the police were called to the party. Jennifer received a citation for disorderly conduct.

At Jennifer's initial hearing on the matter, she learned about the local youth court. If she agreed to admit to the charges, attend, and cooperate with youth court recommendations, the court would clear her record. Jennifer agreed to placement in the youth court diversion program, and the referral was made. Facing a jury of her peers, she explained what happened the night she received the ticket. The youth court encourages family involvement, so Jennifer's mother accompanied her for support. Jennifer explained that she had recently lost a close relative and was under a lot of stress when the fight occurred. She was sorry for her behavior and wanted things to be better.

The jury "sentenced" Jennifer to attend counseling and a drug and alcohol pre-assessment; she also had to write a



Jutta Klee/iStock/Getty Images

paper on how to handle her anger better. Defendants in the court are also required to serve on two future juries themselves and given 90 days to comply, or the case is returned to juvenile court for disposition. Jennifer cooperated with the requirements, and her record was cleared. She completed her jury duty and has chosen to continue as a regular volunteer. According to the program director, Jennifer is an "excellent volunteer with great leadership potential." She avoided any further delinquent behavior, graduated from high school, and is now pursuing a degree in computer science.

Was Jennifer's referral to youth court too lenient, considering she was both drinking and engaged in a violent act? The referral meets some of the major goals of the juvenile court system. Can someone's peers render an unbiased and fair decision?

**F**irst created in Chicago in 1899, the main goals of the juvenile justice system are to help treat and rehabilitate youth in the least intrusive and damaging way possible. The juvenile justice system's central themes are avoiding labels, stigma, and excessive punishment.

This chapter first discusses the major social changes leading up to the juvenile court and justice system. We then cover the reform efforts of the twentieth century, including the movement to grant children the procedural rights typically given to adult offenders. This discussion includes descriptions of some landmark Supreme Court decisions that have influenced present-day juvenile justice procedures.

The second part of this chapter presents an overview of the contemporary juvenile justice system and the various philosophies, processes, organizations, and legal constraints that dominate its operations. The chapter describes the process that takes a youthful offender through a series of steps, beginning with arrest and concluding with reentry into society. What happens to young people who violate the law? Do they have legal rights? How are they helped? How are they punished? Should underage minors who

commit violent acts, even murder, be treated in the juvenile justice system or transferred and treated as adults? Should the goal of the system be rehabilitation or punishment?

To help address such questions, we have included a discussion of the similarities and differences between the adult and juvenile justice systems. This discussion draws attention to the principle that children be treated separately. By segregating delinquent children from adult offenders, society has placed greater importance on the delinquent being a child rather than a criminal. Consequently, rehabilitation rather than punishment has traditionally been the goal. Today, with children committing more serious crimes, the juvenile justice system is having great difficulty handling these offenders.

In the final section, we discuss the need for a comprehensive juvenile justice strategy and the federal government's role in juvenile justice reform—the key element in funding state juvenile justice and delinquency prevention efforts.

## LO1

Illustrate the major social changes leading to the creation of the first modern juvenile court in Chicago in 1899

## Juvenile Justice in the Nineteenth Century

At the beginning of the nineteenth century, the United States' delinquent, neglected, and runaway children were treated the same as adult criminal offenders.<sup>1</sup> Like children in England, when convicted of crimes, they received harsh sentences similar to those imposed on adults. The adult criminal code applied to children, and no juvenile court existed.

During the early nineteenth century, various pieces of legislation were introduced to humanize criminal procedures for children. The concept of probation, introduced in Massachusetts in 1841, was geared toward helping young people avoid imprisonment. Many books and reports during this time heightened public interest in juvenile care.

Despite this interest, no special facilities existed to care for youths in trouble with the law, nor were there separate laws or courts to control their behavior. Youths who committed petty crimes, such as stealing or vandalism, were viewed as wayward children or neglect victims and placed in community asylums or homes. Youths involved in more serious crimes were subject to the same punishments as adults—imprisonment, whipping, or death.

Several events led to reforms and nourished the eventual development of the juvenile justice system: (a) urbanization, (b) the child saving movement and growing interest in the concept of *parens patriae*, and (c) development of institutions for the care of delinquent and neglected children.

### Urbanization

During the first half of the nineteenth century, the United States experienced rapid population growth, primarily due to an increased birthrate and expanding immigration. Manufacturing jobs attracted the rural poor and immigrant groups to urban commercial centers. In 1790, 5% of the population lived in cities. By 1850, the share of the urban population had increased to 15%; it jumped to 40% in 1900 and 51% in 1920.<sup>2</sup> New York had nearly quadrupled its population in the 30-year stretch between 1825 and 1855—from 166,000 to 630,000.<sup>3</sup>

Urbanization increased the number of young people at risk, who overwhelmed the existing work and training system. Local jurisdictions developed poorhouses (alms-houses) and workhouses to accommodate destitute youths. The poor, the insane, the diseased, and vagrant and destitute children were housed in crowded and unhealthy conditions.

By the late nineteenth century, the family's ability to exert control over children began to be questioned. Villages developed into urban commercial centers, and work began to center around factories, not the home. Children of destitute families left home or were cast loose to make out as best they could; wealthy families could no



longer absorb vagrant youth as apprentices or servants.<sup>4</sup> Chronic poverty became an American dilemma. The affluent began to voice concern over the increase in the number of people in what they considered the “dangerous classes”—the poor, single, criminal, mentally ill, and unemployed.

Urbanization and industrialization encouraged the idea that certain population groups (youths in urban areas, immigrants) were susceptible to their decaying environment. The children of these classes were considered a group that a combination of state and community intervention might save.<sup>5</sup> Intervention in the lives of these so-called dangerous classes became acceptable for wealthy, civic-minded citizens. Such efforts included *settlement houses*, a term used around the turn of the twentieth century to describe shelters or nonsecure residential facilities for vagrant children.

## The Child-Saving Movement

The problems generated by urban growth sparked interest in the welfare of the “new” Americans, whose arrival fueled this expansion. In 1816, prominent New Yorkers formed the Society for the Prevention of Pauperism. Although they concerned themselves with shutting down taverns, brothels, and gambling parlors, they also were concerned that the moral training of children of the dangerous classes was inadequate. Soon, other groups concerned with the plight of poor children began to form. They focused on extending government control over youthful activities (drinking, vagrancy, and delinquency) previously left to private or family control.

These activists became known as *child savers*. Prominent were penologist Enoch Wines, Judge Richard Tuthill, Lucy Flowers, of the Chicago Women’s Association, Sara Cooper, of the National Conference of Charities and Corrections, and Sophia Minton, of the New York Committee on Children.<sup>6</sup> Poor children could become a financial burden, and the child savers believed these children threatened society’s moral fabric. Child-saving organizations influenced state legislatures to enact laws giving courts the power to commit children who were runaways or criminal offenders to specialized institutions. Less known were the “black child-savers,” who fought to overcome the racial discrimination facing African American children who came in conflict with the law. In his historical study of the black child-savers, Geoff Ward documents the struggles and successes of the African American community in early juvenile justice reform.<sup>7</sup>

## Houses of Refuge

The most prominent care facility the child savers developed was the [House of Refuge](#).<sup>8</sup> Prominent Quakers and influential political leaders, such as Cadwallader Colden and Stephen Allen, the Society for the Prevention of Pauperism founders, influenced its creation.

Though the house was privately managed, the state legislature began providing funds, partly through a head tax on arriving transatlantic passengers and seamen, plus the proceeds from license fees for New York City’s taverns, theaters, and circuses. These revenue sources were deemed appropriate since supporters blamed immigration, intemperance, and commercial entertainment for juvenile crime!

The reformatory opened on January 1, 1825, with only six boys and three girls, but within the first decade of its operation, it had admitted 1,678 inmates. Most kids were sent because of vagrancy and petty crimes and were sentenced or committed indefinitely until they reached adulthood. The institution initially accepted inmates from across the state of New York. When a Western House of Refuge was opened in Rochester, New York, in 1849, residents came mainly from New York City.

Once a resident, the adolescent’s daily schedule was devoted mostly to supervised labor, regarded as beneficial to education and discipline. Inmate labor also supported operating expenses for the reformatory. Male inmates worked in shops that produced brushes, cane chairs, brass nails, and shoes. The female inmates sewed uniforms, did laundry, and did other domestic work. The reformatory used a badge system to segregate inmates according to their behavior. Although students received

### House of Refuge

A care facility developed by the child savers to protect potential criminal youths by taking them off the street and providing a family-like environment.

The House of Refuge was one of the earliest juvenile institutions in the United States to offer residents vocational training. Here, boys from the Rochester House of Refuge in Rochester, New York, take a break for a baseball game, circa 1875.



Mark Rucker/Transcendental Graphics/Hulton Archive/Getty Images

rudimentary educational skills, the facility emphasized evangelical religious instruction and excluded non-Protestant clergy. The reformatory had the authority to bind out inmates through indenture agreements to private employers; most males were farm workers, and females were domestic laborers.

**The Refuge Movement Spreads** When the House of Refuge opened, most children admitted were status offenders placed there due to vagrancy or neglect. Children were placed in the institution by court order, sometimes over parents' objections. Their length of stay depended on need, age, and skill. Critics complained that the institution was run like a prison, with strict discipline and absolute separation of the sexes. Such a harsh program drove many children to run away. The House of Refuge was forced to take a more lenient approach. Despite criticism, the concept enjoyed expanding popularity. In 1826, the Boston City Council founded the House of Reformation for juvenile offenders.<sup>9</sup> The courts committed children found guilty of criminal violations or to be beyond their parents' control to these schools. Because the child savers considered parents of delinquent children as guilty as convicted offenders, they sought to have the reform schools establish control over the children. Refuge managers believed they were preventing poverty and crime by separating destitute and delinquent children from their parents and placing them in an institution.<sup>10</sup>

The earliest institutions resembled the New York House of Refuge and housed a small number of children in relatively small buildings. But by the 1850s, the number of incarcerated children began to climb, resulting in the construction of larger institutions removed from the urban environment. For example, in New York, the number of youthful residents expanded from 9 at the outset to more than 1,000 housed on Randall's Island in the East River in an institution indistinguishable from an adult prison.<sup>11</sup> Despite ongoing criticism and scandal, the Houses of Refuge endured for more than 100 years. After the Civil War, the urban Refuge began being replaced by state institutions in rural areas. In 1935, the institution on Randall's Island closed forever.

## Were They Really Child Savers?

Debate continues over the true objectives of the early child savers. Some historians conclude that they were what they seemed—concerned citizens motivated by humanitarian ideals.<sup>12</sup> Modern scholars, however, have reappraised the child-saving movement. In *The Child Savers*, Anthony Platt paints a picture of ruling class representatives galvanized by immigrants and the urban poor to take action to preserve their way of life.<sup>13</sup> He claims:

The child savers should not be considered humanists: (1) their reforms did not herald a new system of justice but rather expedited traditional policies which had been informally developed during the nineteenth century; (2) they implicitly assumed the natural dependence of adolescents and created a special court to impose sanctions on premature independence and behavior unbecoming to youth; (3) their attitudes toward delinquent youth were largely paternalistic and romantic but their commands were backed up by force; (4) they promoted correctional programs requiring longer terms of imprisonment, longer hours of labor, and militaristic discipline, and the inculcation of middle class values and lower class skills.<sup>14</sup>

Other critical thinkers followed Platt in finding that child saving was motivated more by self-interest than benevolence. One study traced the child-saving movement in Memphis, Tennessee, finding that its leaders were a small group of upper-class citizens who desired to control the behavior and lifestyles of lower-class youth. The outcome was ominous. Most cases petitioned to the juvenile court (opened in 1910) were for petty crimes and status offenses, yet 25% of the youths were committed to some form of incarceration; more than 96% of the actions with which females were charged were status offenses.<sup>15</sup>

In summary, these scholars believe that the reformers applied the concept of *parens patriae* for their own purposes, including the continuance of middle- and upper-class values and the furtherance of a child-labor system consisting of marginal and lower-class skilled workers. In the course of “saving children” by turning them over to houses of refuge, reformers violated children’s basic legal rights: children were simply not granted the same constitutional protections as adults.

## Development of Juvenile Institutions

State intervention in the lives of children continued well into the twentieth century. The child savers influenced state and local governments to create special institutions, called *reform schools*, that would house delinquent youths who would have otherwise been sent to adult prisons. The first institutions opened in Westborough, Massachusetts, in 1848 and Rochester, New York, in 1849.<sup>16</sup> Institutional programs began in Ohio in 1850 and in Maine, Rhode Island, and Michigan in 1906. The Houses of Refuge were replaced by rural facilities that used cottages rather than large prisonlike facilities to house residents. In New York, for example, the legislature authorized a State Training School for Boys at Warwick for inmates under 16 and the State Vocational School at Coxsackie for those 16 to 19.<sup>17</sup>

Children spent their days working in the institution, learning a trade where possible, and receiving basic education. They were racially and sexually segregated and subject to harsh discipline and poor physical care. Some were labeled as criminals but were, in reality, abused and neglected. They, too, were subject to harsh working conditions, strict discipline, and intensive labor.<sup>18</sup> Although some people viewed reform schools as humanitarian answers to poorhouses and prisons, many opposed such programs.

## Children’s Aid Society

As an alternative to secure correctional facilities, New York philanthropist Charles Loring Brace helped develop the **Children’s Aid Society** in 1853.<sup>19</sup> Brace’s formula for dealing with delinquent youths was to rescue them from the city’s harsh environment and provide them with temporary shelter.

Deciding there were simply too many needy children to care for in New York City and believing the urban environment was injurious to children, Brace devised his *placing-out plan* to send these children to western farms to be cared for and find a home. They were placed on what became known as **orphan trains**, which made pre-announced stops in western farming communities. Families wishing to take in children would meet the train, be briefly introduced to the passengers, and leave with one of the children. Brace’s plan was activated in 1854 and very soon copied by other child-care organizations. Though most of the children benefited from the plan and found a new life, others were less successful, and some were exploited and

### Children’s Aid Societ

Child saving organization that took children from the streets of large cities and placed them with farm families on the prairie.

### orphan trains

The name of the project sponsored by the Children’s Aid Society in which needy or orphaned urban youths were sent west to be adopted by local farm couples.



harmful by the experience. By 1930, political opposition to Brace's plan, coupled with the negative effects of the economic depression, spelled the end of the orphan trains, but not before 150,000 children had been placed in rural homesteads.

### Society for the Prevention of Cruelty to Children

Established in 1874, these organizations protected children subjected to cruelty and neglect at home or school.

## Society for the Prevention of Cruelty to Children

In 1874, the first **Society for the Prevention of Cruelty to Children** (SPCC) was established in New York. Agents of the society were granted the power to remove children from their homes and arrest anyone who interfered with their work; they also helped the court make placement decisions.<sup>20</sup> By 1890, the society controlled the intake and disposition of an annual average of 15,000 poor and neglected children. By 1900, the United States had 300 such societies.<sup>21</sup>

Leaders of the SPCCs were concerned that abused boys would become lower-class criminals and mistreated young girls might become sexually promiscuous women. A growing crime rate and concern about a rapidly changing population served to swell SPCC membership. In addition, these organizations protected children who had been subjected to cruelty and neglect at home and school.

SPCC groups influenced state legislatures to pass statutes protecting children from parents who did not provide adequate food and clothing or made them beg or work in places where liquor was sold.<sup>22</sup> Criminal penalties were created for negligent parents and provisions were established for removing children from home. In some states, SPCC agents could arrest abusive parents; in others, they would inform the police about suspected abuse cases and accompany officers when they made an arrest.<sup>23</sup> The organization and control of SPCCs varied widely. The New York City SPCC was a city agency supported by municipal funds. It conducted investigations of delinquent and neglected children for the court. In contrast, the Boston SPCC emphasized delinquency prevention and worked with social welfare groups; the Philadelphia SPCC emphasized family unity and was involved with other charities.<sup>24</sup>

Exhibit 12.1 summarizes those first juvenile institutions and organizations.

In 1874, Henry Bugh and Etta Angell Wheeler persuaded a New York court to take a child, Mary Ellen, away from her stepmother on the grounds of child abuse. This is the first recorded case in which a court was used to protect a child. Mary Ellen is shown at age 9 (left) when she appeared in court showing bruises from a whipping and several gashes from a pair of scissors. The second photograph shows her a year later.



Photos provided by the American Humane Association/Visit [www.americanhumane.org](http://www.americanhumane.org)



## Exhibit 12.1

### The First Juvenile Institutions and Organizations

|   |   |
|---|---|
| Reform schools                                    | Devoted to the care of vagrant and delinquent youths  |
| Children's Aid Society                            | Designed to protect delinquent youths from the city's dangers through the provision of temporary shelter  |
| Orphan trains                                     | The practice of using trains to place delinquent urban youths with families in western farming communities  |
| Society for the Prevention of Cruelty to Children | Designed to protect abused and neglected children by placing them with other families and advocating for criminal penalties for negligent parents |

## A Century of Juvenile Justice

Although reform groups continued to lobby for government control over children, committing children under the doctrine of *parens patriae* without due process of law began to be questioned. Could the state incarcerate children who had not violated the criminal law? Should children be held in the same facilities that housed adults? Serious problems challenged the effectiveness of the existing system. Institutional deficiencies, the absence of due process for poor, ignorant, and noncriminal delinquents, and the treatment of these children by inadequate private organizations all spurred the argument that a juvenile court should be established.

Increasing delinquency rates also hastened the development of a juvenile court. Theodore Ferdinand's analysis of the Boston juvenile court found that in the 1820s and 1830s, very few juveniles were charged with serious offenses. By 1850, juvenile delinquency was the fastest growing component of the local crime problem.<sup>25</sup> Ferdinand concluded that the flow of juvenile cases strengthened the argument that juveniles needed a separate court.

### The Illinois Juvenile Court Act and Its Legacy

The child-saving movement culminated in the passage of the Illinois Juvenile Court Act of 1899. It established the nation's first independent juvenile court. Interpretations of its intentions differ, but the Illinois Juvenile Court Act unquestionably established juvenile delinquency as a legal concept. For the first time, the court distinguished between neglected children and delinquent children. Delinquent children were those under the age of 16 who violated the law. Most important, the act established a court and a probation program specifically for children. In addition, the legislation allowed children to be committed to institutions and reform programs under the state's control. The act established the following key provisions:

- A separate court for delinquent and neglected children
- Special procedures to govern the adjudication of juvenile matters
- The separation of children from adults in courts and institutional programs
- Probation programs to help the court make decisions in the best interests of the state and the child

Following the passage of the Illinois Juvenile Court Act, similar legislation was enacted throughout the nation. These laws created special courts that maintained jurisdiction over predelinquent (neglected and dependent) and delinquent children. Juvenile court jurisdiction was based primarily on a child's noncriminal actions and

status, not strictly on a violation of criminal law. The *parens patriae* philosophy predominated, ushering in a form of personalized justice that still did not provide juvenile offenders with the full array of constitutional protections available to adult criminal offenders. The court's process was paternalistic rather than adversarial. Attorneys were not required, and hearsay evidence, inadmissible in criminal trials, was admissible in the adjudication of juvenile offenders. Verdicts were based on a *preponderance of the evidence* instead of the stricter standard criminal courts used, *beyond a reasonable doubt*, and children were often not granted any right to appeal their convictions.

The principles motivating the Illinois reformers were these:

- Children should not be held as accountable as adult transgressors.
- The objective of the juvenile justice system is to treat and rehabilitate rather than punish.
- Disposition should reflect an analysis of the youth's special circumstances and needs.
- The system should avoid the trappings of the adult criminal process with all its confusing rules and procedures.

This was a major event in the juvenile justice movement. It was significant enough that by 1917, all but three states had established juvenile courts.

**The Legacy of Illinois** Just what were the ramifications of the Illinois Juvenile Court Act? The traditional interpretation is that the reformers were genuinely motivated to pass legislation that would serve the child's best interests. U.S. Supreme Court Justice Abe Fortas took this position in the landmark 1967 *In re Gault* case:

The early reformers were appalled by adult procedures and penalties and by the fact that children could be given long prison sentences and mixed in jails with hardened criminals. They were profoundly convinced that society's duty to the child could not be confined by the concept of justice alone. . . .

The child—essentially good, as they saw it—was to be made to feel that he was the object of the state's care and solicitude, not that he was under arrest or on trial. . . . The idea of crime and punishment was to be abandoned. The child was to be treated and rehabilitated and the procedures from apprehension through institutionalization were to be clinical rather than punitive.<sup>26</sup>

The child savers believed that environments influenced children. Society should identify its problems and how to handle them in the interests of the children and the state.

Nowhere can this procedural informality be seen more fully than in the Denver Juvenile Court presided over by Judge Benjamin Lindsey.<sup>27</sup> He viewed the children who came before him as "his boys," who were fundamentally good human beings led astray by their social and psychological environment. While Lindsey had no specific statutory authority to do so, he adopted a social worker–friend approach to the children petitioned to court. The need for formal adjudication of the charges was unimportant compared to treating and rehabilitating these wayward youth. He condemned the criminal justice system, which he saw as a "medieval torture chamber" that victimized children.<sup>28</sup>

**The Early Juvenile Court** The major functions of the juvenile justice system were to prevent juvenile crime and rehabilitate juvenile offenders. The roles of the judge and the probation staff were to diagnose the child's condition and prescribe programs to alleviate it; judgments about children's actions and consideration for their constitutional rights were secondary.

By the 1920s, noncriminal behavior, such as incorrigibility and truancy, was added to the jurisdiction of many juvenile court systems. Of particular interest was the sexual behavior of young girls. The juvenile court enforced a strict moral code on working-class girls, not hesitating to incarcerate those who were sexually active.<sup>29</sup> Programs of all kinds, including individualized counseling and institutional care, were used to *cure* juvenile criminality.

By 1925, juvenile courts existed in virtually every jurisdiction in every state. Although the juvenile court concept expanded rapidly, each state did not implement it thoroughly. Some jurisdictions established elaborate juvenile court systems, whereas others passed legislation but provided no services. Some courts had trained juvenile court judges; others had nonlawyers sitting in juvenile cases. Some courts had extensive probation departments; others had untrained probation personnel. In 1920, a U.S. Children's Bureau survey found that only 16% of these new juvenile courts held separate calendars or hearings for children's cases or had an officially established probation service; they also recorded social information about the children coming through the court. In 1926, reports found that five out of six of these courts in the United States failed to meet the minimum standards of the Children's Bureau.<sup>30</sup>

Great diversity also marked juvenile institutions. Some maintained a lenient orientation, but others relied on harsh punishments, including beatings, straitjacket restraints, immersion in cold water, and solitary confinement with a diet of bread and water.

The rapid growth in the juvenile institutional population exacerbated these conditions. Between 1890 and 1920, the number of institutionalized youths jumped 112%, a rise that far exceeded the increase in the total number of adolescents in the United States.<sup>31</sup> Although social workers and court personnel deplored the increased institutionalization of youth, the growth was partly due to reformers' successful efforts to close poorhouses, creating a need for institutions to house their displaced populations. In addition, the lack of a coherent national policy on needy children allowed private entrepreneurs to fill the void.<sup>32</sup> Increased institutionalization seemed contrary to the goal of rehabilitation, but this approach was preferable to the poorhouse and the streets.

## Reforming the System

Reform of this system was slow. In 1912, the U.S. Children's Bureau was formed as the first federal child welfare agency. By the 1930s, the bureau began investigating juvenile institutions' state and exposing their more repressive aspects.<sup>33</sup> After World War II, critics such as Paul Tappan and Francis Allen began to identify problems in the juvenile justice system, among which were the neglect of procedural rights and the warehousing of youth in ineffective institutions. Status offenders were commonly housed with delinquents and given more punitive sentences than those given to delinquents.<sup>34</sup>

From its origin, the juvenile court system denied children procedural rights normally available to adult offenders. Due process rights, such as representation by counsel, a jury trial, freedom from self-incrimination, and freedom from unreasonable search and seizure, were not considered essential for the juvenile court system; its primary purpose was not punishment but rehabilitation. However, the dream of rehabilitating children was not achieved. Individual treatment approaches failed, and delinquency rates soared.

Reform efforts, begun in earnest in the 1960s, changed the face of the juvenile justice system. In 1962, New York passed legislation creating a family court system.<sup>35</sup> The new court assumed responsibility for all matters involving family life, emphasizing delinquent and neglected children. In addition, the legislation established the person in need of supervision (PINS) classification. This category included individuals involved in such actions as truancy and incorrigibility. Juvenile courts expanded their role as social agencies by using labels like PINS and children in need of supervision (CHINS) to establish jurisdiction over children. Because noncriminal children were now involved in the juvenile court system to a greater degree, many juvenile courts had to improve their social services. Efforts were made to personalize the system of justice for children. A due process revolution soon followed these reforms, which ushered in an era of procedural rights for court-adjudicated youth.

In the 1960s and 1970s, the U.S. Supreme Court radically altered the juvenile justice system when it issued a series of decisions that established the right of juveniles to receive due process of law.<sup>36</sup> The Court established that juveniles had the same rights as adults in important areas of trial process; these rights included the right to confront witnesses, notice of charges, and the right to counsel. Exhibit 12.2 illustrates some of the most important legal cases bringing procedural due process to the juvenile justice process.

### LO2

Discuss some of the landmark Supreme Court decisions that have influenced present-day juvenile justice procedures

## Exhibit 12.2

### Leading Constitutional Cases in Juvenile Justice

**Kent v. United States** (1965) Determined a child has due process rights, such as having an attorney present at waiver hearings.

**In re Gault** (1967) Ruled that a minor has basic due process rights, including (a) notice of the charges concerning their timeliness and specificity, (b) right to counsel, (c) right to confrontation and cross-examination, (d) privilege against self-incrimination, (e) right to a transcript of the trial record, and (f) right to appellate review.

**McKeiver v. Pennsylvania** (1971) Held that trial by jury in a juvenile court's adjudicative stage is not a constitutional requirement.

**Breed v. Jones** (1975) Ruled that a child has the protection of the double-jeopardy clause of the Fifth Amendment and cannot be tried twice for the same crime.

**Fare v. Michael C.** (1979) Held that a child's request to see his probation officer at the time of interrogation did not operate to invoke his Fifth Amendment right to remain silent. According to the Court, the probation officer cannot be expected to offer the advice an accused would expect from an attorney. The landmark *Miranda v. Arizona* case ruled that a request for a lawyer is an immediate revocation of a person's right to silence. Still, this rule is not applicable for a request to see the probation officer.

**Eddings v. Oklahoma** (1982) Ruled that a defendant's age should be a mitigating factor in deciding whether to apply the death penalty.

**Schall v. Martin** (1984) Upheld a statute allowing for the placement of children in preventive detention before adjudication. The Court concluded that it was not unreasonable to detain juveniles for their own protection.

**New Jersey v. T.L.O.** (1985) Determined that the Fourth Amendment applies to school searches. The Court adopted a "reasonable suspicion" standard, as opposed to the stricter standard of "probable cause," to evaluate the legality of searches and seizures in a school setting.

**Thompson v. Oklahoma** (1988) Ruled that imposing capital punishment on a juvenile murderer who was 15 years old at the time of the offense violated the Eighth Amendment's constitutional prohibition against cruel and unusual punishment.

**Stanford v. Kentucky and Wilkins v. Missouri** (1989) Concluded that the imposition of the death penalty on a juvenile who committed a crime between the ages of 16 and 18 was not unconstitutional and that the Eighth Amendment's cruel and unusual punishment clause did not prohibit capital punishment.

**Vernonia School District v. Acton** (1995) Held that the suspicionless drug testing of all students participating in interscholastic athletics does not violate the Fourth Amendment's guarantee against unreasonable searches. The Supreme Court expanded the power of public educators to ensure safe learning environments in schools.

**United States v. Lopez** (1995) Ruled that Congress exceeded its authority under the Commerce Clause when it passed the Gun-Free School Zone Act, which made it a federal crime to possess a firearm within 1,000 feet of a school.

**Roper v. Simmons** (2005) The Court held that it was cruel and unusual punishment under the Eighth Amendment to impose the death penalty on an individual who was under 18 at the time of the crime.

**Graham v. Florida** (2010) Held that the Eighth Amendment prohibits life-without-parole sentences for children who commit "nonhomicide" crimes.

**Miller v. Alabama** (2012) Sentencing minors to a mandatory life without parole sentence violates the Eighth Amendment. Children facing the possibility of life-without-parole sentences are entitled to "individualized sentencing," and the sentencer must give mitigating effect to the characteristics and circumstances of the youth.

**Montgomery v. Louisiana** (2016), Ruled that *Miller v. Alabama* applies retroactively to "final convictions" on collateral review. Made clear that the Eighth Amendment places a ceiling on punishment for the vast majority of children

SOURCES: *Kent v. United States*, 383 U.S. 541, 86 S.Ct. 1045, 16 L.Ed.2d 84 (1966); *In re Gault*, 387 U.S. 1, 87 S.Ct. 1248 (1967); *McKeiver v. Pennsylvania*, 403 U.S. 528, 91 S.Ct.1976 (1971); *Breed v. Jones*, 421 U.S. 519, 95 S.Ct. 1779 (1975); *Fare v. Michael C.*, 442 U.S. 707, 99 S.Ct. 2560 (1979); *Eddings v. Oklahoma*, 455 U.S. 104, 102 S.Ct. 869, 71 L.Ed.2d 1 (1982); *Schall v. Martin*, 467 U.S. 253, 104 S.Ct. 2403 (1984); *New Jersey v. T.L.O.*, 469 U.S. 325, 105 S.Ct. 733 (1985); *Thompson v. Oklahoma*, 487 U.S. 815, 108 S.Ct. 2687, 101 L.Ed.2d 702 (1988); *Stanford v. Kentucky*, 492 U.S. 361, 109 S.Ct. 2969 (1989); *Wilkins v. Missouri*, 492 U.S. 361, 109 S.Ct. 2969 (1989); *Vernonia School District v. Acton*, 515 U.S. 646, 115 S.Ct. 2386, 132 L.Ed.2d 564 (1995); *United States v. Lopez*, 115 S.Ct. 1624 (1995); *Roper v. Simmons*, 543 U.S. 551 (2005); *Graham v. Florida*, 560 U.S. 48 (2010); *Miller v. Alabama*, 132 S. Ct. 2455 (2012); *Montgomery v. Louisiana*, 136 S. Ct. 718, 734 (2016).

### Federal Commissions and Reform Acts

In addition to the legal revolution the Supreme Court brought about, a series of national commissions and reform acts the federal government sponsored helped change juvenile justice's shape.

In 1967, the President's Commission on Law Enforcement and the Administration of Justice, organized by President Lyndon Johnson, suggested that the juvenile justice



system must provide underprivileged youths with opportunities for success, including jobs and education, with an even greater focus on delinquency prevention.<sup>37</sup> The commission also recognized the need to develop effective law enforcement procedures to control hard-core offenders while granting them due process. The commission's report was a catalyst for the passage of the federal Juvenile Delinquency Prevention and Control (JDP) Act of 1968. This law created a Youth Development and Delinquency Prevention Administration, which concentrated on helping states develop new juvenile justice programs, particularly those involving youth diversion, decriminalization, and decarceration. In 1968, Congress also passed the Omnibus Safe Streets and Crime Control Act.<sup>38</sup> Title I of this law established the **Law Enforcement Assistance Administration (LEAA)** to provide federal funds for improving the adult and juvenile justice systems. In 1972, Congress amended the JDP Act to allow the LEAA to focus its funding on juvenile justice and delinquency prevention programs. State and local governments were required to develop and adopt comprehensive plans to obtain federal assistance.

Because crime continued to receive much publicity, the Nixon administration established a second effort in 1973 called the National Advisory Commission on Criminal Justice Standards and Goals.<sup>39</sup> Its report identified such strategies as (a) preventing delinquent behavior, (b) developing diversion activities, (c) establishing dispositional alternatives, (d) providing due process for all juveniles, and (e) controlling violent and chronic delinquents. This commission's recommendations formed the basis for the Juvenile Justice and Delinquency Prevention Act of 1974.<sup>40</sup> This act eliminated the Youth Development and Delinquency Prevention Administration and replaced it with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the LEAA. In 1980, the LEAA was phased out, and the OJJDP became an independent agency in the U.S. Department of Justice. Throughout the 1970s, the agency's two most important goals were (1) removing juveniles from detention in adult jails and (2) eliminating the incarceration of delinquents and status offenders together. During this period, the OJJDP stressed the creation of formal diversion and restitution programs.

In 1994, The Violent Crime Control and Law Enforcement Act altered juvenile justice practice in the United States.<sup>41</sup> The largest piece of crime legislation in U.S. history provided 100,000 new police officers and billions of dollars for prisons and prevention programs for both adult and juvenile offenders.

The latest reform effort, the Juvenile Justice Reform Act of 2018, contains several provisions designed to improve the treatment of youth in the juvenile justice system. The following Focus on Delinquency discusses some of the Act's key provisions:

## Juvenile Justice Today

Today, the juvenile justice system exercises jurisdiction over two distinct categories of offenders—delinquents and status offenders.<sup>42</sup> As you may recall (Chapter 1), *delinquent children* fall under a jurisdictional age limit, which varies from state to state, and commit an act violating the penal code. *Status offenders* are commonly characterized in state statutes as persons or children in need of supervision (PINS or CHINS). Most states distinguish such behavior from delinquent conduct to reduce the effect of any stigma on children due to their involvement with the juvenile court. In addition, juvenile courts generally have jurisdiction over situations involving conduct directed at (rather than committed by) juveniles, such as parental neglect, deprivation, abandonment, and abuse.

The states have also set different minimum and maximum ages for juvenile court jurisdiction. Most do not specify a minimum age, but some do, and it is not uncommon in these states for children 10 and under to be eligible for referral to juvenile court. Almost all states (and the District of Columbia) now include children in the juvenile process until they reach age 18. The trend has been to raise age limits. For example, in 2019, Louisiana, New York, North Carolina, and South Carolina raised

### Law Enforcement Assistance Administration (LEAA)

Unit in the U.S. Department of Justice established by the Omnibus Crime Control and Safe Streets Act of 1968 to administer grants and provide guidance for crime prevention policy and programs.

# Focus on Delinquency

## Key Provisions of the Juvenile Justice Reform Act of 2018

- Eliminate the use of restraints on known pregnant juveniles in secure juvenile detention and correctional facilities during labor, delivery, and post-partum recovery unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others.
- Eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method.
- Juveniles who are being charged and tried as adults (1) may not have sight or sound contact with adults and (2) may not be detained in a jail or lockup for adults (except as provided under the jail removal requirement).
- States must now identify and reduce racial and ethnic disparities.

Within 48 hours after the juvenile is taken into custody for violation of a valid court order (VCO), if the court determines that placement in a secure detention or secure correctional facility is warranted, the court must issue a written order setting out the specific factual circumstances surrounding the violation of the VCO. Such placement may not exceed seven days, and the court's order may not be renewed or extended. A procedure must be in place to ensure that a status offender is not detained longer than seven days or the length of time directed by the court (whichever is shorter).

- Adjudicated juveniles receive full or partial credit toward high school graduation for secondary school coursework satisfactorily completed before and during the period during which the juveniles are held in custody, regardless of the local educational agency or entity from which the credits were earned.

### Overall Delinquency Prevention and Juvenile Justice System Improvements:

- Recognizes the impact of exposure to violence and trauma on adolescent behavior and development: The bill includes a definition of “trauma-informed” and encourages states to ensure that programs and practices designed to address the needs of system-involved youth are both evidence-based and trauma-informed.
- The bill calls for individualized case plans to help youth re-enter their communities; plans should include education and job training assistance and an assessment of the living arrangements to which the youth will be discharged.
- Provides comprehensive services and supports for youth: The bill promotes community-based alternatives to detention; encourages family engagement in design and delivery of treatment and services; and improves screening, diversion, assessment, and treatment for mental health and substance abuse needs.
- Strengthens incentives for investment in evidence-based practices: The bill strengthens provisions to promote interventions with a proven impact on reducing recidivism.
- The bill includes improvements for Tribal youth.
- The bill provides training and technical assistance to enhance the capacity of state and local courts, judges, and related judicial personnel to carry out the Act's requirements and improve the lives of justice-involved and at-risk youth.
- The bill promotes fairness, supporting state efforts to expand youth access to appropriate legal representation and to inform youth of opportunities to seal or expunge juvenile records once they have gotten their lives back on track.

Sources H.R.6964—Juvenile Justice Reform Act of 2018; Office of Juvenile Justice and Delinquency Prevention, Key Amendments to the Juvenile Justice and Delinquency Prevention Act Made by the Juvenile Justice Reform Act of 2018, June 2019 <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/252961.pdf>

the upper age of delinquency jurisdiction to 17. Other states, such as Michigan and Missouri, followed suit. Vermont's Act 201 of 2020 **made it the** first state to expand juvenile court jurisdiction to include 19-year-olds.

However, despite these reform efforts, some states provide for the transfer of very young children, ages 10–12, to the adult system if they commit a serious felony offense such as murder.

Some states exclude certain classes of offenders or offenses from the juvenile justice system. In these states, youths who commit serious violent offenses like rape or murder may be automatically excluded from the juvenile justice system and treated as adults. They are treated as adults based on the premise that they stand little chance of rehabilitation within the confines of the juvenile system. Juvenile court judges may also transfer or *waive* repeat offenders whom they deem untreatable by the juvenile authorities.

Today's juvenile justice system exists in all states by statute. Each jurisdiction has a juvenile code and a special court structure to accommodate children in trouble. Nationwide, the juvenile justice system consists of thousands of public and private agencies, with a total budget amounting to hundreds of millions of dollars. Most of the nation's police agencies have juvenile components, and there are more than 3,000 juvenile courts and about an equal number of juvenile correctional facilities.

Not only does the United States maintain a juvenile justice system, but these systems can be found abroad, too. The following International Delinquency Feature discusses juvenile justice systems in other lands.

Figure 12.1 depicts the number of juvenile offenders removed at various stages of the juvenile justice process. These data do not account for the large number of children referred to community diversion and mental health programs. Thousands of these programs operate throughout the nation. This multitude of agencies and people dealing with juvenile delinquency has led to the development of what professionals view as an incredibly expansive and complex system.

## The Juvenile Justice Process

How does the juvenile justice system process children?<sup>43</sup> Most children enter the justice system due to contact with a police officer. When a juvenile commits a serious crime, the police are empowered to make an arrest. Less serious offenses may also require police action, but in these instances, instead of being arrested, the child may be warned or referred to a social service program. Sixty-two percent of all children arrested are

**LO3**

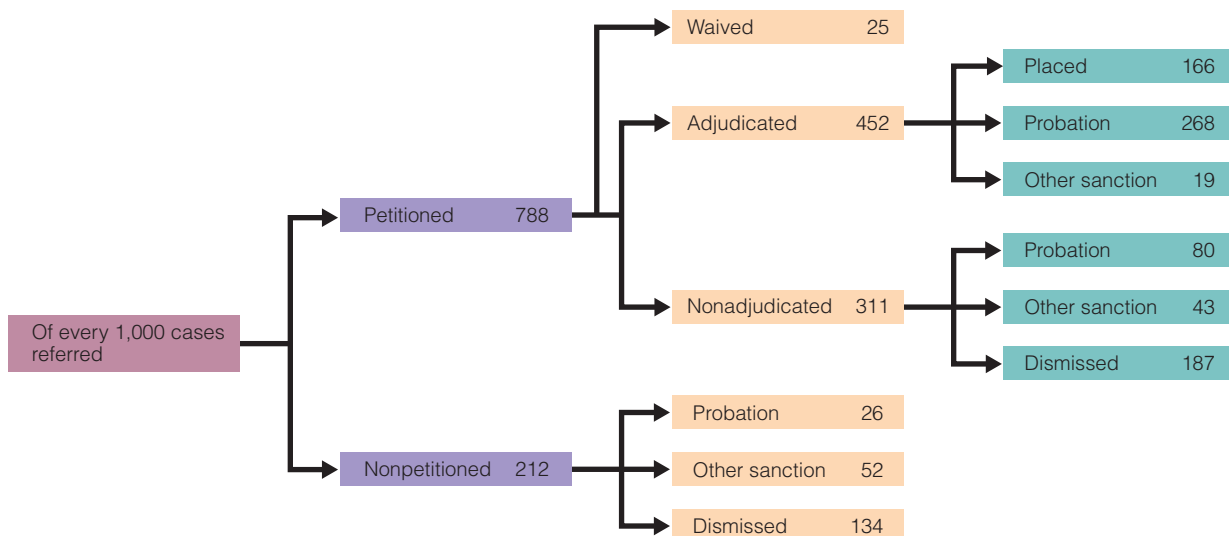
Identify how children are processed by the juvenile justice system, beginning with arrest and concluding with reentry into society

Figure 12.1

### Case Processing of Typical Violent Crimes in the Juvenile Justice System

Note: Cases are categorized by their most severe or restrictive sanction. Detail may not add to totals because of rounding.

SOURCE: Sarah Hockenberry and Charles Puzzanchera, *Juvenile Court Statistics 2013* (Pittsburgh: National Center for Juvenile Justice, 2015), p. 66.



## Juvenile Justice Systems Across Countries

Many countries have formal juvenile justice systems, but many do not. The presence of juvenile justice systems is strongly associated with a country's level of development; that is, developed or industrialized countries all have juvenile justice systems, while a smaller number of developing and least developed countries have juvenile justice systems. Part of the reason for countries not having separate justice systems to deal with juvenile delinquency and adult crime is the lack of importance placed on the special needs of juveniles who come in conflict with the law. Another reason is that developing and least developed countries have fewer financial resources to spend on a juvenile justice system, especially building separate correctional and treatment facilities.

In 1985, the United Nations adopted the "Standard Minimum Rules for the Administration of Juvenile Justice" to encourage more countries to develop juvenile justice systems and improve the administration of juvenile justice. These rules, also known as the "Beijing Rules" of juvenile justice because they were developed at a meeting in Beijing, set out minimum standards for countries to follow in administering juvenile

justice. These rules were adopted by the UN General Assembly on November 29, 1985, on the recommendation of the Seventh UN Congress on the Prevention of Crime and the Treatment of Offenders (resolution 40/33).

### Part 1: General Principles

- Member states shall seek to further the well-being of juveniles and their families.
- Member states shall try to develop conditions to ensure juveniles' meaningful lives in the community.
- Sufficient attention should be given to positive measures involving the mobilization of resources, such as the family, volunteers, and community groups, to promote the well-being of juveniles.
- Juvenile justice shall be an integral part of the national development process of each country.
- In legal systems recognizing the concept of an age of criminal responsibility for juveniles, such an age level shall not be fixed too low, bearing in mind emotional, mental, and physical maturity.

### juvenile justice process

Under the paternal (*parens patriae*) philosophy, juvenile justice procedures are informal and nonadversarial, invoked for the juvenile offender rather than against them; a petition instead of a complaint is filed; courts make findings of involvement or adjudication of delinquency instead of convictions; and juvenile offenders receive dispositions instead of sentences.

### detention hearing

A hearing by a judicial officer of a juvenile court to determine whether a juvenile is to be detained or released while juvenile proceedings are pending in the case.

referred to juvenile court.<sup>44</sup> Figure 12.2 outlines the **juvenile justice process**, and the next sections present a detailed analysis of this process.

**Police Investigation** When youths commit a crime, police have the authority to investigate the incident and decide whether to release the youths or commit them to juvenile court. This decision is often discretionary, based not only on the nature of the offense but also on conditions existing at the time of the arrest. Such factors as the seriousness of the offense, the child's past police contacts, and whether the child denies committing the crime determine whether to file a petition. Juveniles in custody have constitutional rights similar to those of adult offenders. Children are protected against unreasonable search and seizure under the Fourth and Fourteenth Amendments of the Constitution. The Fifth Amendment places limitations on police interrogation procedures.

**Detention** If the police decide to file a petition, the child is referred to juvenile court. The primary decision at this point is whether the child should remain in the community or be placed in a detention facility or shelter care (temporary foster homes, detention boarding homes, programs of neighborhood supervision). Historically, this stage has been one of the more controversial stages in the juvenile justice process.<sup>45</sup> In the past, children were routinely held in detention facilities to await court appearances. Normally, a **detention hearing** determines whether to remand the child to a shelter.



- Any reaction by the juvenile justice system to juvenile offenders shall be in proportion to both the offenders and the offense.
- An appropriate scope for exercising discretionary powers shall be allowed at all stages of legal processing affecting juveniles.
- Efforts shall be made to ensure sufficient accountability at all stages in the exercise of such discretion.
- Basic procedural safeguards, such as the presumption of innocence and the rights to be notified of charges, remain silent, receive counsel, have a parent or guardian present, confront and cross-examine witnesses, and appeal, shall be guaranteed at all stages of proceedings.
- The juvenile's right to privacy shall be respected at all stages.

### Part 2: Investigation and Prosecution

- Upon apprehending a juvenile, parents or guardians shall be notified as soon as possible.
- Consideration shall be given to dealing with juvenile offenders without resorting to trial, and any diversion to appropriate community or other services shall require the consent of the juvenile or parents.

### Part 3: Adjudication and Disposition

- The placement of a juvenile in an institution shall always be a disposition of last resort and for the minimum necessary period.

### Part 4: Non-Institutional Treatment

- Efforts shall be made to provide necessary assistance, such as lodging, education, vocational training, and employment, to facilitate rehabilitation.

### Part 5: Institutional Treatment

- Juveniles in institutions shall be kept separate from adults, and special attention shall be used to the greatest extent possible.

### Part 6: Aftercare

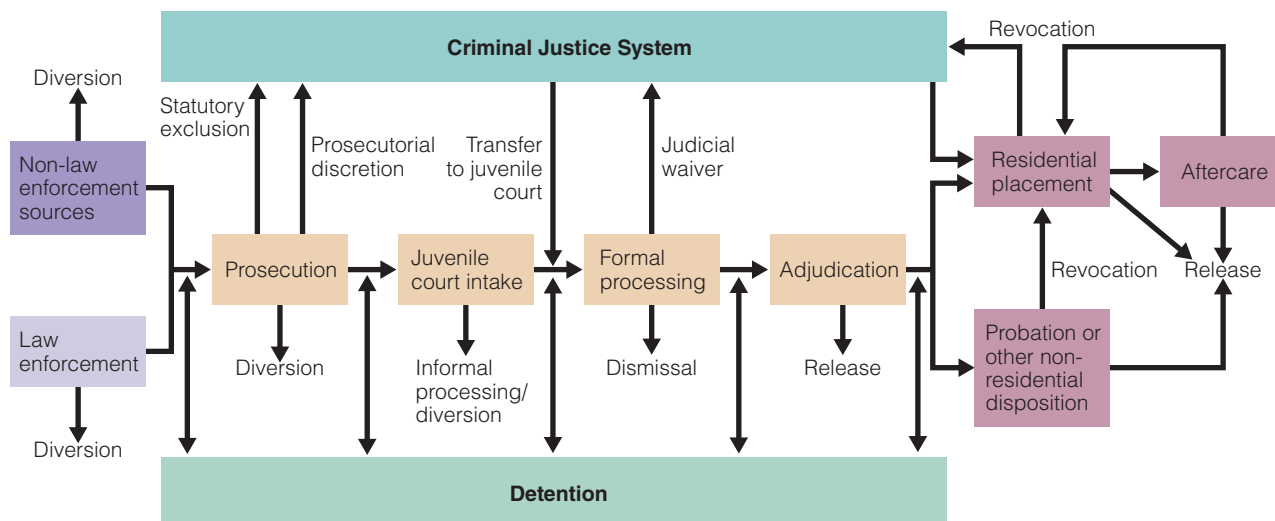
- Efforts shall be made to provide semi-institutional arrangements, such as halfway houses, educational homes, and daytime training centers, to assist juveniles in their reintegration into society.

SOURCE: Abridged from United Nations, *The United Nations and Crime Prevention: Seeking Security and Justice for All* (1996); Elmar G. M. Weitekamp, Hans-Juergen Kerner, and Gernot Trueg, *International Comparison of Juvenile Justice Systems: Report to the National Academy of Sciences Commission on Behavioral and Social Sciences and Education* (Tuebingen, Germany: Institute of Criminology, University of Tuebingen, July 1999),

Figure 12.2

### Case Flow Through the Juvenile Justice Process

SOURCE: Office of Juvenile Justice and Delinquency Prevention, [http://ojjdp.gov/ojstatbb/structure\\_process/case.html](http://ojjdp.gov/ojstatbb/structure_process/case.html) (accessed October 2016).



At this point, the child has a right to counsel and other procedural safeguards. A child not detained is usually released to a parent or guardian. Most state juvenile-court acts provide for a child to return home to await further court action, except when it is necessary to protect the child, when the child presents a serious danger to the public, or when it is not certain that the child will return to court. In many cases, the police will refer the child to a community service program instead of filing a formal charge.

**Pretrial Procedures** In most jurisdictions, the adjudication process begins with some sort of hearing. At this hearing, juvenile court rules normally require that juveniles be informed of their right to a trial, the plea or admission be voluntary, and they understand the plea charges and consequences. The case will often not be further adjudicated if a child admits to the delinquent act at the initial hearing.

In some cases, youths may be detained at this stage pending a trial. Detained juveniles are eligible for bail in a handful of jurisdictions. Plea bargaining may also occur at any stage of the proceedings. A plea bargain is an agreement between the prosecution and the defense by which the juvenile agrees to plead guilty for certain considerations, such as a lenient sentence. This issue is explored more thoroughly in Chapter 14, which discusses pretrial procedures.

An **adjudicatory hearing** or trial is scheduled if the child denies the allegation of delinquency. Under extraordinary circumstances, a juvenile who commits a serious crime may be transferred or waived to an adult court. Today, most jurisdictions have laws providing for such transfers. Whether such a transfer occurs depends on the type of offense, the youth's prior record, the availability of treatment services, and the likelihood that the youth will be rehabilitated in the juvenile court system.<sup>46</sup>

**Adjudication** In the trial or adjudication stage of the juvenile court process, a hearing is held to determine the facts of the case. The court hears evidence on the allegations in the delinquency petition. This is a trial on the merits (dealing with issues of law and facts), and rules of evidence similar to those of criminal proceedings generally apply. At this stage, the juvenile offender is entitled to many of the procedural guarantees given to adult offenders. These include the right to counsel, freedom from self-incrimination, the right to confront and cross-examine witnesses, and, in certain instances, the right to a jury trial. In addition, many states have their own procedures concerning rules of evidence, competence of witnesses, pleadings, and pretrial motions. At the end of the adjudicatory hearing, the court enters a judgment against the juvenile.

**Disposition** If the adjudication process finds the child delinquent, the court must decide on the proper treatment. Most juvenile court acts require a dispositional hearing, separate from the adjudication. This two-stage decision is often called a **bifurcated process**. The dispositional hearing is less formal than adjudication. Here, the judge imposes a **disposition** on the offender in light of the offense, the youth's prior record, and their family background. The judge can prescribe various dispositions, ranging from a reprimand to probation to institutional commitment. In theory, the judge's decision serves the best interests of the child, the family, and the community.

**Treatment** After disposition, delinquent offenders may face correctional treatment. Probation is the most commonly used formal sentence for juvenile offenders. Many states require that a youth fail probation before being sent to an institution (unless the criminal act is extremely serious). Probation involves placing the child under the juvenile probation department's supervision for community treatment.

The most severe statutory dispositions available to the juvenile court involve committing a child to an institution. The court may send the committed child to a state training school or a private residential treatment facility. These are usually minimum-security facilities with small populations and an emphasis on treatment and education. Some states, however, maintain facilities with populations of hundreds of youths. The following Professional Spotlight Feature discusses what it takes for someone to work in juvenile probation.

### adjudicatory hearing

The fact-finding process wherein the juvenile court determines whether there is sufficient evidence to sustain the allegations in a petition.

### bifurcated process

The procedure of separating adjudicatory and dispositional hearings so different levels of evidence can be heard at each.

### disposition

For juvenile offenders, the equivalent of sentencing for adult offenders; however, juvenile dispositions should be more rehabilitative than retributive.

Some jurisdictions allow for a program of juvenile aftercare or parole. A youth can be paroled from an institution and placed under the supervision of a parole officer. This placement means that the youth will complete the period of confinement in the community and receive assistance from the parole officer through counseling, school referral, and vocational training.<sup>47</sup>

Juveniles committed to treatment and control programs have a legal right to treatment. States are required to provide suitable rehabilitation programs that include counseling, education, and vocational services. Appellate courts have ruled that individuals must be released from confinement absent such minimum treatment.

## Professional Spotlight

### Carla Stalnaker



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Carla Stalnaker was a juvenile probation officer with the Fourth Judicial Circuit Court in Clinton County, Illinois, for 21 years. In 2021, she was promoted to Chief Probation Officer. She has served on the Fourth Judicial Circuit's Juvenile Justice Council since 2014.

Stalnaker is presently the

President-Elect for the Illinois Probation and Court Services Association. She was awarded the Robert E. Burdine Illinois Probation Officer of the Year Award in 2015 and the Darrell O. Smith President's Award in 2019. Stalnaker currently serves on numerous workgroups that help write legislation, develop trainings, and develop evidenced-based programs for juvenile probation officers in the State of Illinois.

Stalnaker chose this career because she has always been interested in working with adolescents. As she gained experience and knowledge, Stalnaker learned that adolescents in the justice system are often victims of traumatic experiences and need positive support systems to overcome their personal trauma. She found that involvement in the juvenile justice field is a key turning point for these youth. She has learned from experience that using validated assessments, evidence-based programs, and trauma-informed practices are notably the most important tools to assist youth in being successful.

Stalnaker prepared for her career by first getting a bachelor's degree in psychology specializing in adolescent development. Before becoming a juvenile probation officer, she worked for eight years in a long-term residential group home for behavior disordered and developmentally delayed youth.

She has attended numerous trainings and conferences to expand her skill set. In 2016, Stalnaker was instrumental in developing a pretrial assessment process for juvenile delinquents; it is currently used in two courtrooms. In 2018, she became a SAMSHA Trauma-Informed Care Trainer and has trained law enforcement, probation officers, social service providers, and child advocacy workers all over the State of Illinois. In 2019, Stalnaker worked with a social service agency to develop an in-home intensive therapy program for high-risk juveniles. This program is now being used in three counties and is looking to expand to nine counties in 2023.

For Carla Stalnaker, the most rewarding part of being a juvenile probation officer was having the ability to help youth who are overlooked or pushed aside by society. As Chief Probation Officer, she has developed a department that works with the juvenile and adult probation population in a way that truly helps them identify their strengths, overcome their criminal thinking, and become productive members of society.

Stalnaker feels the biggest challenge to her job is the lack of sufficient funding and resources. Clients are often on state aid and cannot pay for services. She works in a rural community that lacks public transportation, local treatment facilities, and mental health services. Clients sometimes have to travel over an hour to see a treatment provider. As Chief Probation Officer, Stalnaker has been awarded several grants to assist her department and its clients with these issues.

Stalnaker finds several important misconceptions about a job in juvenile probation. One is that juvenile delinquents need boot camp or a "scared straight" program. Research shows these programs do not work. Another misconception is that all youths on probation are "bad kids." Most youth on probation want to do well and want to succeed. The majority of these youth have been abused, neglected, and abandoned. They suffer from untreated mental health issues, substance abuse issues, and usually have had no positive support system in their lives.

## Conflicting Values in Juvenile Justice

This overview of the juvenile justice process hints at the often-conflicting values at the system's heart. Efforts to ensure that juveniles are given appropriate treatment are consistent with the doctrine of *parens patriae* that predominated in the first half of the twentieth century. (See Exhibit 12.3 for a timeline of ideologies of juvenile justice during the twentieth century.)

Since the mid-twentieth century, the juvenile court has struggled to provide treatment for juvenile offenders while guaranteeing them constitutional due process. But at various points, the system has been so overwhelmed by the increase in violent juvenile crime and family breakdown that some judges and politicians have suggested abolishing the juvenile system.<sup>48</sup> Even those experts who want to retain an independent juvenile court have called for its restructuring. Crime control advocates want to reduce the court's jurisdiction over juveniles charged with serious crimes and liberalize the prosecutor's ability to try them in adult courts. In contrast, child advocates suggest that the court scale back its judicial role and transfer its functions to community groups and social service agencies.<sup>49</sup>

## Criminal Justice vs. Juvenile Justice

The components of the adult and juvenile criminal processes are similar. However, the juvenile system has a separate organizational structure. In many communities, juvenile justice is administered by people who bring special skills to the task. Also, more kinds of facilities and services are available to juveniles than to adults.

One concern of the juvenile court reform movement was to ensure that the stigma attached to a convicted offender would not be affixed to young people in juvenile proceedings. Thus, even the language used in the juvenile court differs from that used in the adult criminal court (see Exhibit 12.4). Juveniles are not indicted for a crime; they have a **petition** filed against them. Secure pretrial holding facilities are called *detention centers* rather than jails. Similarly, the juvenile justice system's criminal trial is called a hearing. (See Exhibit 12.5, "Similarities and Differences Between Juvenile and Adult Justice Systems.")

### petition

Document filed in juvenile court alleging that a juvenile is a delinquent, a status offender, or a dependent and asking that the court assume jurisdiction over the juvenile.

### Exhibit 12.3

#### Timeline of Juvenile Justice Ideology

**Prior to 1899.** Juveniles were treated similarly to adult offenders, making no distinction by age or capacity to commit criminal acts.

**1899 to 1950s.** Children were treated differently, beginning with the Illinois Juvenile Court Act of 1899. By 1925, virtually every state has juvenile court acts.

**1950s to 1970s.** Experts recognize that the rehabilitation model and the protective nature of *parens patriae* have failed to prevent delinquency.

**1960s to 1970s.** Constitutional due process is introduced into the juvenile justice system. The courts attack the concept of punishing children or protecting them under *parens patriae*.

**1970s to 1980s.** Failure of rehabilitation and due process protections to control delinquency leads to a shift to crime

control and punishment philosophy similar to the adult criminal justice system.

**Early 1990s.** Approaches include mixed constitutional protections with some treatment. The juvenile justice system relies on punishment and deterrence with uncertain goals and programs.

**Mid-1990s to present.** Attention is given to strategy that focuses on reducing the threat of juvenile crime and expanding options for handling juvenile offenders. Emphasis is placed on "evidence-based" programs and policies and striking a balance between prevention and control programs. An effort is made to use the restorative justice model, which involves balancing the needs of the victim, the community, and the juvenile, while reducing the number of youth being held in secure confinement.



## Exhibit 12.4

### Comparison of Terms Used in Adult and Juvenile Justice Systems

|                               | Juvenile Terms   | Adult Terms  |
|-------------------------------|--|--|
| <b>The person and the act</b> | Delinquent child<br>Delinquent act   | Criminal<br>Crime  |
| <b>Preadjudicatory stage</b>  | Take into custody<br>Petition<br>Agree to a finding<br>Deny the petition<br>Adjustment<br>Detention facility; child care shelter                           | Arrest<br>Indictment<br>Plead guilty<br>Plead not guilty<br>Plea bargain<br>Jail     |
| <b>Adjudicatory stage</b>     | Substitution<br>Adjudication or fact-finding hearing<br>Adjudication   | Reduction of charges<br>Trial<br>Conviction  |
| <b>Postadjudicatory stage</b> | Dispositional hearing<br>Disposition<br>Commitment<br>Youth development center; treatment; training school<br>Residential child care facility<br>Aftercare | Sentencing hearing<br>Sentence<br>Incarceration<br>Prison<br>Halfway house<br>Parole |

LO5

Compare key similarities and differences between the adult and juvenile justice systems

## A Comprehensive Juvenile Justice Strategy

When much attention is focused on serious juvenile offenders, reformers are asking for a comprehensive strategy to deal with all aspects of juvenile crime. This strategy focuses on delinquency prevention and expanding options for handling juvenile offenders. It addresses the links between crime and poverty, child abuse, drugs, weapons, and school behavior. Programs are based on a continuum of care that begins in early childhood and progresses through late adolescence. The components of this strategy include (a) prevention in early childhood, (b) intervention for at-risk teenage youths, (c) graduated sanctions to hold juvenile offenders accountable for crimes, (d) proper utilization of detention and confinement, and (e) placement of serious juvenile offenders in adult courts.<sup>50</sup> The many expected benefits from this comprehensive strategy include: Increased prevention of delinquency (and thus fewer young people entering the juvenile justice system); enhanced responsiveness from the juvenile justice system; decreased costs; a more responsible juvenile justice system; more effective juvenile justice programs.<sup>51</sup>

Proponents of this strategy have called for an expanded framework that focuses on youth facing a wider range of problem behaviors, including mental health, school, and drug use problems, and a greater integration of services across juvenile justice, child welfare, and other youth-serving agencies.<sup>52</sup>

LO6

Evaluate the key elements of a comprehensive juvenile justice strategy to deal with juvenile delinquency

## Exhibit 12.5

### Similarities and Differences Between Juvenile and Adult Justice Systems

Since its creation, the juvenile justice system has sought to maintain its independence from the adult justice system. Yet several similarities characterize the institutions, processes, and laws of the two systems.

#### Similarities

- Police officers, judges, and correctional personnel use discretion in decision-making in both the adult and juvenile systems.
- The right to receive *Miranda* warnings applies to juveniles and adults.
- Juveniles and adults are protected from prejudicial lineups or other identification procedures.
- Similar procedural safeguards protect juveniles and adults when they make an admission of guilt.
- Prosecutors and defense attorneys play equally critical roles in juvenile and adult advocacy.
- Juveniles and adults have the right to counsel at most key stages of the court process.
- Pretrial motions are available in juvenile and criminal court proceedings.
- Negotiations and plea bargaining exist for juvenile and adult offenders.
- Juveniles and adults have a right to a hearing and an appeal.
- The standard of evidence in juvenile delinquency adjudications, as in adult criminal trials, is proof beyond a reasonable doubt.
- Juveniles and adults can be placed on probation by the court.
- Both juveniles and adults can be placed in pretrial detention facilities.
- Juveniles and adults can be kept in detention without bail if they are considered dangerous.
- After trial, both can be placed in community treatment programs.

- Juveniles and adults can be required to undergo drug testing.

#### Differences

- The primary purposes of juvenile procedures are protection and treatment. With adults, the aim is to punish the guilty. Age determines the jurisdiction of the juvenile court. The nature of the offense determines jurisdiction in the adult system. Juveniles can be ordered to the criminal court for trial as adults.
- Juveniles can be apprehended for acts that would not be criminal if committed by an adult (status offenses).
- Juvenile proceedings are not considered criminal; adult proceedings are.
- Juvenile court procedures are generally informal and private. Those adult courts are more formal and open to the public.
- Courts cannot release identifying information about a juvenile to the press, but they must release information about an adult.
- Parents are highly involved in the juvenile process but not in the adult process.
- The standard of arrest is more stringent for adults than for juveniles.
- Juveniles are released into parental custody. Adults are generally given the opportunity for bail.
- Unlike adults, juveniles have no constitutional right to a jury trial. Some state statutes provide juveniles with a jury trial.
- Juveniles can be searched in school without probable cause or a warrant.
- A juvenile's record is generally sealed when the age of majority is reached. The record of an adult is permanent.
- A juvenile court cannot sentence juveniles to county jails or state prisons; these are reserved for adults.

Additional support for a comprehensive juvenile justice strategy comes from a large-scale national survey of juvenile justice practitioners.<sup>53</sup> Juvenile court judges, prosecutors, public defenders, and court administrators, including chief probation officers, were asked about their views on a wide range of issues affecting juvenile justice policy, including recent changes to policy and practice. Among the most revealing findings of the survey were the practitioners' views about the most effective juvenile justice policies and practices; these included substance abuse treatment, sex offender treatment, mental health treatment, and re-entry services and planning. Equally revealing were the practitioners' views about the most ineffective juvenile justice policies and practices: the top five were reduced confidentiality of court records, transfer to criminal or adult court, juvenile curfew laws, parental accountability laws, and statutes and rules setting time limits in court.<sup>54</sup>

## Prevention

Research has identified an array of early risk factors associated with future delinquency. For young children, some of the most important risk factors include low intelligence and attainment, impulsiveness, poor parental supervision, parental conflict, and living in crime-ridden and deprived neighborhoods.<sup>55</sup> Many early childhood programs have been shown to tackle these risk factors and prevent delinquency effectively, as well as later criminal offending, including preschool intellectual enrichment, child skills training, parent management training, and parent education programs such as home visiting.<sup>56</sup> Some programs can pay back program costs and produce substantial monetary benefits for the government and taxpayers.<sup>57</sup> The general public is highly supportive of delinquency prevention programs and is even willing to pay more taxes for these programs compared to punitive options like military-style boot camps and prison.

There are several evidence-based and promising federal early childhood programs. As you may recall, Head Start provides children living in poverty with, among other things, an enriched educational environment to develop learning and cognitive skills to be better prepared for the early school years. Children who attend Head Start at ages 3 to 5 were significantly less likely to report being arrested or referred to court for a crime by ages 18 to 30 compared to their siblings who did not attend the program.<sup>58</sup> Another study found that Smart Start, a publicly funded pre-kindergarten program, produced substantial gains for children's language, literacy, numeracy, and mathematics skills.<sup>59</sup> Smart Start is designed to ensure certain children are healthy before school. State-funded home-visiting programs are especially concerned with reducing child abuse and neglect and bettering the lives of at-risk families and their children; they have also proven effective.<sup>60</sup>

### LO7

Discuss the differences between prevention and intervention efforts to reduce juvenile delinquency

## Intervention

Intervention programs focus on teenage youths at higher risk for committing petty delinquent acts, using drugs or alcohol, or associating with antisocial peers.<sup>61</sup> Interventions at this stage are designed to ward off involvement in more serious delinquency. Many jurisdictions are developing new intervention programs for teenage youths. An example is the Big Brothers Big Sisters program, which matches an adult volunteer with a youngster.<sup>62</sup> Other programs have a therapeutic component and are targeted at the most at-risk youths and serious juvenile offenders. Examples include Multisystemic Therapy (discussed in Chapter 11), Functional Family Therapy, and Multidimensional Treatment Foster Care. Functional Family Therapy involves modifying patterns of family interaction—by modeling, prompting, and reinforcement—to encourage clear communication of requests and solutions between family members and to minimize conflict.<sup>63</sup>

Multidimensional Treatment Foster Care involves individual-focused therapeutic care (e.g., skill building in problem-solving) and parent training.<sup>64</sup> These interventions are widely used across the country and have played an important role in juvenile justice reform in a number of states.<sup>65</sup>

## Graduated Sanctions

Another solution that states across the country are exploring is graduated sanctions. Types of graduated sanctions include immediate sanctions for nonviolent offenders (these consist of community-based diversion and day treatment); intermediate sanctions (such as probation and electronic monitoring, which target repeat minor offenders and first-time serious offenders); and secure institutional care (reserved for repeat serious offenders and violent offenders). The philosophy behind this approach is to limit the most restrictive sanctions to the most dangerous offenders. In contrast, treatment services increase restrictions and intensity as offenders move from minor to serious offenses.<sup>66</sup>

# Treating Delinquency

## Teen Courts and Drug Courts

To relieve overcrowding and provide an alternative to traditional forms of juvenile courts, jurisdictions across the country are experimenting with different forms of court process. Two of the best known are teen courts and drug courts.

Teen courts, also called youth courts, differ from other juvenile justice programs because young people rather than adults determine the disposition of a case. Cases handled in these courts typically involve young juveniles (ages 10 to 15) with no prior arrest records who are being charged with minor law violations, such as shoplifting, vandalism, and disorderly conduct. Usually, young offenders are asked to volunteer to have their case heard in a teen court instead of the more formal court of the traditional juvenile justice system.

As in a regular juvenile court, teen court defendants may undergo an intake process, a preliminary review of charges, a court hearing, and disposition. In a teen court, however, other young people are responsible for much of the process. Charges may be presented to the court by a 15-year-old “prosecutor.” A 16-year-old “defense attorney may represent defendants.” Other youths may serve as jurors, court clerks, and bailiffs. In some teen courts, a youth “judge” (or panel of youth judges) may choose the best disposition or sanction for each case. In some teen courts, teens determine whether the prosecutor has proven the facts in the case (similar to a finding of guilt). Offenders are often ordered to pay restitution or perform community service. Some teen courts require offenders to write formal apologies to their victims; others require offenders to serve on a subsequent teen court jury. Many courts use innovative dispositions, such as requiring offenders to attend classes designed to improve their decision-making skills, enhance their awareness of victims, and deter them from future delinquent behavior.

Although juveniles make the decisions, adults are also involved in teen courts. They often administer the programs and are usually responsible for essential functions, such as budgeting, planning, and personnel. In many programs, adults supervise the courtroom activities and often coordinate the community service placements where the young offenders work to fulfill the terms of their dispositions. In some programs, adults act as judges while teens serve as attorneys and jurors.


Proponents of teen court argue that the process takes advantage of one of the most powerful forces in an

adolescent's life—the desire for peer approval and the reaction to peer pressure. According to this argument, youth respond better to prosocial peers than to adult authority figures. Thus, teen courts are seen as a potentially effective alternative to traditional juvenile courts staffed with paid professionals, such as lawyers, judges, and probation officers. Teen court advocates also point out that the benefits extend beyond defendants. Teen courts may benefit the volunteer youth attorneys and judges, who probably learn more about the legal system than they could in a classroom. The presence of a teen court may also encourage the entire community to take a more active role in responding to juvenile crime. In sum, teen courts offer at least four potential benefits:

- **Accountability.** Teen courts may help ensure that young offenders are held accountable for their illegal behavior, even when their offenses are relatively minor and would not likely result in sanctions from the traditional juvenile justice system.
- **Timeliness.** An effective teen court can move young offenders from arrest to sanctions within days rather than the months that may pass with traditional juvenile courts. This rapid response may increase the positive impact of court sanctions, regardless of their severity.
- **Cost savings.** Teen courts usually depend heavily on youth and adult volunteers. They may handle a substantial number of offenders at relatively little cost to the community if appropriately managed.
- **Community cohesion.** A well-structured and expansive teen court program may affect the entire community by increasing public appreciation of the legal system, enhancing community-court relationships, encouraging greater respect for the law, and promoting volunteerism among adults and youth.

The teen court movement is one of the fastest-growing delinquency intervention programs in the country. Approximately 1,400 teen courts are operating in 49 states and the District of Columbia, serving an estimated 110,000 to 125,000 young offenders each year; another 100,000 youths benefit from their participation as volunteers. Evaluations found that they did not “widen the net” of justice by handling cases that would have been subject to a lesser level of processing. Evaluations have been mixed. Some find lower





recidivism rates for those who went through the teen court program, while others found that the program made little difference in case outcomes.

### Juvenile Drug Courts

These courts focus on cases involving substance-using juveniles and have the ability to provide immediate and intensive intervention and supervision. The programs typically require both the juvenile and the family to participate in treatment, submit to frequent drug testing, appear regularly at frequent court hearings, and comply with other court conditions geared toward accountability, rehabilitation, sobriety, and cessation of illegal activity.

An example of a Juvenile Drug Court (JDC) can be found in Florida's Eleventh Judicial Circuit. It was established in January 2001 due to concern over teen drug use. The JDC uses an alternative therapeutic approach rather than a traditional and contentious process. It is a voluntary 6- to 12-month, court-supervised program for nonviolent juveniles charged with a crime between the ages of 13 to 17 who suffer from alcohol or drug use. Referrals are made by Miami-Dade County Juvenile Services Department Juvenile Assessment Center, Public Defender's Office, The Office of Criminal Conflict and Civil Regional Counsel (RC3), State Attorney's Office, Juvenile Probation, or court staff. JDC's main components are:

- Intensive court supervision
- Targeted case management
- Immediate access to treatment
- Comprehensive system of rewards and sanctions

Juveniles are referred to the program through recommendations based on current charges, prior nonviolent/delinquent history, and background information. The program aims to reduce juvenile re-arrest rates by providing participants with the necessary recovery tools and community support. Through rewards and sanctions, JDC encourages juveniles to progress and succeed.

In a systematic review and meta-analysis of the effects of drug courts, Ojmarrh Mitchell and his colleagues found that drug courts are an effective alternative crime control measure to reduce recidivism rates among drug-involved offenders. Of the 154 independent evaluations included in the review, only 34 (22%) were from juvenile drug courts. This small number is explained, in part, by the relatively recent interest of juvenile justice agencies in experimenting with drug courts.

The 34 juvenile drug court evaluations show that this intervention effectively reduces juvenile recidivism, but the effects are substantially smaller than in adult drug courts. A long-term follow-up of juveniles who successfully completed drug court in Tennessee found that their involvement in adult crime was lower for felonies but not misdemeanors. Intriguingly, a nine-site national study of juvenile drug courts by Christopher Sullivan and his colleagues found that they were largely ineffective in reducing recidivism. The research draws attention to the need to distinguish between adult and juvenile drug courts and calls for greater adherence to principles of effective intervention.

Teen courts and youth courts may be preferable to the normal juvenile justice process in jurisdictions that do not or cannot provide meaningful sanctions for all young, first-time juvenile offenders. In jurisdictions that do not provide meaningful sanctions and services for these offenders, youth court may still perform just as well as a more traditional, adult-run program.

### Critical Thinking

1. Could teen courts be used to try serious criminal acts, such as burglary and robbery?
2. Is a conflict of interest created when teens judge the behavior of other teens? Does the fact that they themselves may one day become defendants in a teen court influence decision making?

SOURCES: Eleventh Circuit of Florida, Juvenile Drug Court, 2022 <https://www.jud11.flcourts.org/Juvenile-Drug-Court>; California Association of Youth Courts, "Youth Courts: Fact Sheet," <http://calyouthcourts.com/about/about-youth-courts> (accessed September 2016); Michael Norris, Sarah Twill, and Chigon Kim, "Smells Like Teen Spirit: Evaluating a Midwestern Teen Court," *Crime and Delinquency* 57:199–221 (2011); Denise M. Wilson, Denise C. Gottfredson, and Wendy Povitsky Stickle, "Gender Differences in Effects of Teen Courts on Delinquency: A Theory-Guided Evaluation," *Journal of Criminal Justice* 37:21–27 (2009); Deborah Kirby For-gays and Lisa DeMilio, "Is Teen Court Effective for Repeat Offenders? A Test of the Restorative Justice Approach," *International Journal of Offender Therapy and Comparative Criminology* 49:107–118 (2005);

W. Craig Carter and R. Donald Barker, "Does Completion of Juvenile Drug Court Deter Adult Criminality?" *Journal of Social Work Practice in the Addictions* 11:181–193 (2011); Laurie Chassin, "Juvenile Justice and Substance Abuse," *The Future of Children* 18:165–183 (2008), at 170; Ojmarrh Mitchell, David Wilson, Amy Eggers, and Doris Layton MacKenzie, "Assessing the Effectiveness of Drug Courts on Recidivism: A Meta-Analytic Review of Traditional and Non-Traditional Drug Courts," *Journal of Criminal Justice* 40:60–71 (2012);

Christopher Sullivan, Lesli Blair, Edward Latessa, and Carrie Coen Sullivan, "Juvenile Drug Courts and Recidivism: Results from a Multisite Outcome Study," *Justice Quarterly* 33:291–318 (2016); Lesli Blair, Carrie Sullivan, Edward Latessa, and Christopher Sullivan, "Juvenile Drug Courts: A Process, Outcome, and Impact Evaluation," *Juvenile Justice Bulletin*, May 2015, Office of Juvenile Justice and Delinquency Prevention, <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/248406.pdf>

In teen courts, which are increasingly being used across the country as alternatives to traditional forms of juvenile courts, young people rather than adults determine the disposition of a case. Shown here is a teen court jury prior to hearing cases in La Plata, Maryland.



The Washington Post/Getty Images

## Institutional Programs

Another key to a comprehensive strategy is improving institutional programs. Many experts believe juvenile incarceration is overused, particularly for nonviolent offenders. That is why the concept of deinstitutionalization—removing as many youths from secure confinement as possible has become the norm. Considerable research supports the idea that warehousing juveniles without proper treatment does little to deter criminal behavior. The most effective secure corrections programs are those that provide individual services for a small number of participants.

### teen courts

Courts that make use of peer juries to decide nonserious delinquency cases.

### drug courts

Courts whose focus is to provide treatment for youths accused of drug-related acts.

## Alternative Courts

New venues of juvenile justice that provide special services to youths while helping to alleviate the case flow problems that plague overcrowded juvenile courts are being implemented across the United States. Two of these kinds of courts are **teen courts** and juvenile **drug courts**. Because of their rising popularity and importance to the juvenile justice system, they are discussed in the Treating Delinquency Feature.

## Future of Juvenile Justice

### LO8

Identify and comment on pressing issues in the future of juvenile justice

The National Research Council and Institute of Medicine's Panel on Juvenile Crime expressed alarm over an increasingly punitive juvenile justice system and called for several changes to uphold the importance of juvenile treatment. One of their recommendations is particularly noteworthy:

The federal government should assist the states through federal funding and incentives to reduce the use of secure detention and secure confinement, by developing community-based alternatives. The effectiveness of such programs both for the protection of the community and the benefit of the youth in their charge should be monitored.<sup>67</sup>

Although calling for reforms to the juvenile justice system was a key element of the national panel's final report, panel members were equally or more concerned with preventing delinquency before it occurs and intervening with at-risk children and adolescents.<sup>68</sup> Importantly, there is growing public support for prevention and

intervention programs designed to reduce delinquency, not to mention a high level of public disapproval for abolishing the juvenile justice system in favor of a harsher criminal justice system response.<sup>69</sup> The panel also called attention to the need for more rigorous experimentation with prevention and intervention programs that successfully reduced delinquency risk factors.<sup>70</sup> Quite a few states, such as Pennsylvania, Connecticut, Maine, and Washington, have begun to incorporate a research-based approach to guide juvenile justice programming and policy.<sup>71</sup>

There is some, albeit limited, evidence that points to a slowdown in recent years in this get-tough approach toward juvenile offenders. An analysis of state juvenile transfer laws finds that there has been a considerable reduction in the number of states that have expanded their transfer provisions. At the same time, very few states have reversed their restrictive transfer laws.<sup>72</sup>

Those who support the juvenile justice concept believe that it is too soon to write off the rehabilitative ideal that has always underpinned the separate treatment of juvenile offenders. They note that fears of a juvenile crime wave are misplaced and that the actions of a few violent children should not mask the needs of millions who can benefit from solicitous treatment rather than harsh punishments. And although a get-tough approach may reduce the incidence of some crimes, the economic analysis indicates that the costs incurred by placing children in more punitive secure facilities exceed the benefits of crime reduction.<sup>73</sup>

## Summary

### **LO1** Illustrate the major social changes leading to the creation of the first modern juvenile court in Chicago in 1899

- Urbanization created a growing number of at-risk youth in the nation's cities.
- Reformers known as child savers sought to create an independent category of delinquent offender and keep their treatment separate from adults.

### **LO2** Discuss some of the landmark Supreme Court decisions that have influenced present-day juvenile justice procedures

- Over the past five decades, the U.S. Supreme Court and lower courts have granted procedural safeguards and due process protections in juvenile courts.
- Major court decisions have laid down the constitutional requirements for juvenile court proceedings.
- In years past, the protections currently afforded to both adults and children were not available to children.

### **LO3** Identify how children are processed by the juvenile justice system, beginning with arrest and concluding with reentry into society

- The juvenile justice process consists of a series of steps: (1) police investigation, (2) intake

procedure in the juvenile court, (3) pretrial procedures used for juvenile offenders, and (4) adjudication, disposition, and post-dispositional procedures.

### **LO4** Explain the conflicting values in contemporary juvenile justice

- Some experts want to get tough with young criminals, while others want to focus on rehabilitation.
- Crime control advocates want to reduce the court's jurisdiction over juveniles charged with serious crimes and liberalize the prosecutor's ability to try them in adult courts.
- Child advocates suggest that the court scale back its judicial role and transfer its functions to community groups and social service agencies.

### **LO5** Compare key similarities and differences between the adult and juvenile justice systems

- One similarity is the right to receive *Miranda* warnings; this applies to juveniles and adults.
- One difference is that juvenile proceedings are not considered criminal, while adult proceedings are.

**LO6 Evaluate the key elements of a comprehensive juvenile justice strategy to deal with juvenile delinquency**

- A comprehensive juvenile justice strategy has been developed to preserve the need for treatment services for juveniles while using appropriate sanctions to hold juveniles accountable for their actions.
- Elements of this strategy include delinquency prevention, intervention programs, graduated sanctions, improvement of institutional programs, and treating juveniles like adults.
- New courts, such as drug courts and teen courts, are now in place.

**LO7 Discuss the differences between prevention and intervention efforts to reduce juvenile delinquency**

- Prevention measures target children and teens to prevent the onset of delinquency.

- Intervention efforts target children and teens considered at higher risk for delinquency and are designed to ward off involvement in more serious delinquent behavior.

**LO8 Identify and comment on pressing issues in the future of juvenile justice**

- The future of the juvenile justice system continues to be debated.
- There are some promising signs, such as juvenile crime rates being lower than in decades past, public support for prevention and intervention programs, and some states beginning to incorporate research-based initiatives to guide juvenile justice programming and policy.

## Key Terms

House of Refuge, p. 453

Children's Aid Society, p. 455

orphan trains, p. 455

Society for the Prevention of Cruelty to Children, p. 456

Law Enforcement Assistance Administration (LEAA), p. 461

juvenile justice process, p. 464

detention hearing, p. 464

adjudicatory hearing, p. 466

bifurcated process, p. 466

disposition, p. 466

petition, p. 468

teen courts, p. 474

drug courts, p. 474

## Questions for Discussion

1. What factors precipitated the development of the Illinois Juvenile Court Act of 1899?
2. One of the most significant reforms in dealing with the juvenile offender was opening the New York House of Refuge in 1825. What were this reform's social and judicial consequences on the juvenile justice system?
3. The child savers have been accused of wanting to control the lives of poor and immigrant children for their own benefit. Are there any parallels to the child-saving movement in modern-day America?
4. Should there be a juvenile justice system, or should juveniles who commit serious crimes be treated as adults, and the others handled by social welfare agencies?
5. The Supreme Court has made several major decisions in the area of juvenile justice. What are these decisions? What is their impact on the juvenile justice system?
6. What is the meaning of the term *procedural due process of law*? Explain why and how procedural due process has impacted juvenile justice.
7. The formal components of the criminal justice system are often considered to be the police, the court, and the correctional agency. How do these components relate to the major areas of the juvenile justice system? Is the operation of justice similar in the juvenile and adult systems?
8. What role has the federal government played in the juvenile justice system over the last 30 years?



## Viewpoint

Fourteen-year-old Daphne, a product of New York City's best private schools, lives with her wealthy family in a luxury condo in a fashionable neighborhood. Her father is an executive at a local financial services conglomerate and earns close to a million dollars per year. Daphne is always in trouble at school, and teachers report she is impulsive and has poor self-control. At times she can be kind and warm, but on other occasions, she is obnoxious, unpredictable, insecure, and demanding attention. She is overly self-conscious about her body and has a drinking problem.

Despite repeated promises to get her life together, Daphne likes to hang out at night in a local park, drinking with neighborhood kids. On more than one occasion, she has gone to the park with her friend and confidant Chris, a quiet boy with his own personal problems. His parents have separated, and he is prone to suffer severe anxiety attacks. He has been suspended from school and diagnosed with depression, for which he takes two drugs—an antidepressant and a sedative.

One night, the two met up with Michael, a 44-year-old with a long history of alcoholism. After a night of drinking, a fight broke out, and Michael was stabbed, his throat cut, and his body dumped in a pond. Soon after the attack, Daphne called 911, telling police that a friend “jumped in the lake and didn’t come out.” Police searched the area and found Michael’s slashed and stabbed body in the water; the body had been disemboweled in an attempt to sink it. When the authorities traced the call, Daphne was arrested and confessed to police that she had helped Chris murder the victim.

During an interview with court psychiatrists, Daphne admitted she participated in the killing but could not articulate what caused her to get involved. She had been drinking and remembers little of the events. She said she was flirting with Michael, and Chris stabbed him in a jealous rage. She spoke in a flat, hollow voice and showed little remorse for her actions. She claimed it was a spur-of-the-moment thing, and, after all, it was Chris who had the knife and not her. Later, Chris claimed that Daphne instigated the fight, egged him on, taunting him that he was too scared to kill someone. Chris said that Daphne, while drunk, often talked of killing an adult because she hates older people, especially her parents.

If Daphne is tried as a juvenile, she can be kept in institutions until she is 17; the sentence could be expanded to age 21, but only if she has behavior problems in custody and demonstrates conclusive need for further secure treatment.

- Should the case of Daphne be dealt with in the juvenile court, even though the maximum possible sentence she can receive is two to six years? If not, over what kind of cases should the juvenile court have jurisdiction?
- How does *parens patriae* apply in cases such as Daphne’s?
- If you believe that the juvenile court is not equipped to handle cases of extremely violent youth, then should it be abolished?
- What reforms must be made in the juvenile justice system to rehabilitate adolescents like Daphne? Or should it even try?

## Doing Research on the Web

Before you answer these questions, you may want to learn more about this topic by checking out the websites of the National Center for Juvenile Justice (<http://www.ncjj.org/>) and the Urban Institute (<http://www.urban.org/>), both of which specialize in research and technical assistance related to juvenile justice. The Washington State Institute for Public Policy (<http://www.wsipp.wa.gov/>) carries out research at legislative direction on juvenile justice and delinquency, among other issues, and ensures that studies answer relevant policy questions. The Children’s Bureau (CB) is the oldest federal agency for children. It is part of the Administration on Children, Youth and Families, a section of the Administration for Children and Families (ACF) under the Department

of Health and Human Services. It is responsible for assisting states in delivering child welfare services designed to protect children and strengthen families. Visit their website at <http://www.acf.hhs.gov/programs/cb/>

The Office of Juvenile Justice and Delinquency Prevention (<http://www.ojjdp.gov/>) has information on prevention and intervention programs and many other aspects of juvenile justice. The Office of the Surgeon General (<http://www.surgeongeneral.gov/>) is especially concerned with violence prevention.

You may also be interested in learning more about the actual case on which this Viewpoint is based. If so, go to:

<https://www.nytimes.com/topic/person/daphne-abdela>

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# 13

# Police Work with Juveniles

## Learning Objectives

- 1** Identify key historical events that have shaped juvenile policing in America today
- 2** Describe police roles in dealing with juvenile offenders
- 3** Set out the elements of what makes up police legitimacy
- 4** Discuss key legal aspects of police work, including search and seizure and custodial interrogation, and how they apply to juveniles
- 5** Describe police use of discretion and factors that influence discretion
- 6** Articulate how bias can influence discretion
- 7** Appraise the major policing strategies to prevent delinquency

## Chapter Outline

### History of Juvenile Policing

### The Police and Juvenile Offenders

Police Roles

### Community Policing

Community Policing Models

### Police Legitimacy and Procedural Justice

The Challenge of Procedural Justice

### Police and the Rule of Law

The Arrest Procedure

Search and Seizure

Custodial Interrogation

### Discretionary Justice

Environmental Factors

Police Policy

Situational Factors

Bias and Police Discretion

### Police Work and Delinquency Prevention

Aggressive Law Enforcement

Police in Schools

Community-Based Policing Services

Problem-Oriented Policing

### Future of Juvenile Policing

## Chapter Features

**International Delinquency:** Juvenile Police Units Abroad

**Focus on Delinquency:** SafetyNet: Smart Cyber Choices

**Treating Delinquency:** Teen and Police Service (TAPS)

**Focus on Delinquency:** Randall Kennedy on Racial Bias and Police Decision Making

**Professional Spotlight:** Kevin Quinn

**Focus on Delinquency:** Pulling Levers Policing



**Frank Aguilar grew up in Bronx**, one of five children raised primarily by his mother, a strong and determined woman who struggled daily to provide for her family's basic needs and safety. At the same time, Frank's father was heavily involved in criminal activity and drifted in and out of their lives for brief periods.

Frank attended a large New York public high school with approximately 8,000 students. Violence and gang activity were common in both his community and the school setting; sexual assaults took place in school stairwells, fights occurred daily, young drug dealers did business in the hallways, and there were murders in school. Frank found it difficult to focus on academics with such chaos and fear all around him. Like many in the area, the school enlisted the assistance of the New York City Police Department's School Safety Agents, designated as New York City special patrol officers. School safety agents can make warrant-less arrests, carry and use handcuffs, and use physical force or deadly force, if necessary, to keep students, teachers, staff, and fellow agents safe to create a safer learning environment. Eight full-time uniformed officers patrolled the school daily. In the lunchroom, halls, and school auditorium, police officers were dressed in full uniform and acted clearly as authority figures. The officers also worked hard to be approachable and friendly to the students. They made efforts to have relationships with the students so that they could be a resource during challenging times.

Frank was a brilliant and gifted young man who aspired to go to college and make a better life for himself despite being in trouble during his younger years. Several of his teachers encouraged him in his studies, and although he was thriving academically, he needed a safer environment where he could focus on his education.

During his freshman year, Frank and some other students played cards in front of the school during a lunch break when another student threw a glass bottle



Theodore Parisienne/Splash News/Newscom

at Frank's head and threatened his life. Frank went after the young man, and a fight ensued. The police at the school intervened to stop the fight and address the young men's behavior. Although both teens could have been arrested for disorderly conduct or battery, Frank explained that he was defending himself, and the officers agreed. Knowing he was an excellent student who did not typically engage in this type of conduct, the officers chose to talk with Frank and try to encourage him in a more positive direction rather than arresting him.

After graduating from high school, Frank attended the University of Cincinnati on a full athletic scholarship for football and track and became a member of the U.S. boxing team. Upon completing his undergraduate degree, Frank attended medical school. Today, he is Frank Aguilar, doctor of internal medicine. In addition to crediting the New York City Police Department and his teachers for their efforts, he credits his mother's hard work, strict discipline, and tremendous drive for his success.

Frank's case is an example of police officers' discretion not to take action. What would have happened if Frank had been arrested, taken away in handcuffs, processed through the juvenile justice system, found delinquent, and placed on probation? Would he now be Dr. Frank?

**T**he story of Dr. Frank Aguilar highlights the important role police play in juvenile justice today. How police respond to a juvenile offender can tremendously impact the juvenile's future life. Yet police actions can create a moral dilemma: Giving kids a second chance, like Frank

got, can set them on a path to future success. But police must also consider the rights of the injured victim and the public who depend on them to ensure their safety. Satisfying the demands of victims, the public, political figures, the press, and their own department can sometimes force police officers to criminalize behaviors that were once considered relatively harmless and dealt with by the principal. For instance, police are called to arrest a student for shooting pellets from a toy gun in the cafeteria.<sup>1</sup> In her book, *A Return to Justice*, Ashley Nellis argues that the juvenile justice system is not an appropriate response for most acts of delinquency.<sup>2</sup> Nellis notes that the public benefits far more from a broad-based prevention strategy than juvenile justice processing. Sometimes, she suggests, having police issue a warning and return a juvenile offender to a parent or guardian, rather than making an arrest, is enough to serve justice.

The chapter first takes a brief look at the history of policing juveniles, from the time of the Norman conquest of England up to today. Community policing in modern times is the focus of the next section. Here the relationship between police and community efforts to prevent crime is explored. We then look at the roles and responsibilities of the police and the organization and management of police–juvenile operations. Legal aspects of police work are reviewed, including the arrest procedure, search and seizure, and custodial interrogation. We also examine the concept of police discretion in light of the broad authority police have in dealing with juveniles. The chapter ends with a review of police work and delinquency prevention. A wide range of police techniques in preventing delinquency are discussed. These include relying on the deterrent powers of police and those that engage schools and the community.

## LO1

Identify key historical events that have shaped juvenile policing in America today

### pledge system

Early English system in which neighbors protected each other from thieves and warring groups.

### watch system

Replaced the pledge system in England; watchmen patrolled urban areas at night to provide protection from harm.

## History of Juvenile Policing

Providing specialized police services for juveniles is a relatively recent phenomenon. At one time, citizens were responsible for protecting themselves and maintaining order.

The origin of police agencies can be traced to early English society.<sup>3</sup> Before the Norman conquest of England, the **pledge system** assumed that neighbors would protect each other from thieves and warring groups. The system entrusted individuals with policing themselves and resolving minor problems. By the thirteenth century, however, the **watch system** policed larger communities. Men were organized in church parishes to patrol areas at night and guard against disturbances and breaches of the peace. This system was followed by the establishment of the constable, who was responsible for dealing with more serious crimes. By the seventeenth century, the constable, the justice of the peace, and the night watchman formed the nucleus of the police system in England.

When the Industrial Revolution brought thousands of people from the countryside to work in factories, the need for police protection increased. As a result, the first organized police force was established in London in 1829. The British “bobbies” (so called after “Bobby” the nickname of their founder, Sir Robert Peel, they were initially called Bobby’s Boys ) were not successful at stopping crime and were influenced by the wealthy for personal and political gain.<sup>4</sup>

The local sheriff became the most important police official in the American colonies. By the mid-1800s, city police departments had formed in Boston, New York, and Philadelphia. Officers patrolled on foot, and conflicts often arose between untrained officers and the public.

Children began to be treated as a distinguishable group (see Chapter 1). When children violated the law, they were often treated the same as adult offenders. But even at this stage of history, people recognized that criminal law enforcement should be applied differently to children and successfully advocated for a separate juvenile justice system.

During the late nineteenth century and into the twentieth century, the problems associated with growing numbers of unemployed and homeless youths increased. Groups such as the Wickersham Commission of 1931 and the International Association of Chiefs of Police became the leading voices for police reform.<sup>5</sup> Their efforts resulted in creating specialized police units, known as delinquency control squads.

The most famous police reformer of the 1930s was August Vollmer. As the police chief of Berkeley, California, Vollmer instituted numerous reforms, including university training, modern management techniques, prevention programs, and juvenile aid bureaus.<sup>6</sup> These bureaus were the first organized police services for juvenile offenders.

In the 1960s, policing entered a turbulent period.<sup>7</sup> The U.S. Supreme Court handed down decisions designed to restrict police operations and discretion. Civil unrest produced growing tensions between police and the public. Urban police departments were unable to handle the growing crime rate. Federal funding from the Law Enforcement Assistance Administration (LEAA), an agency set up to fund justice-related programs, was a catalyst for developing hundreds of new police programs and enhancing police services for children. By the 1980s, most urban police departments recognized that the problem of juvenile delinquency required special attention.

Today, most of the nation's urban law enforcement agencies now have specialized juvenile police programs. Typically, such programs involve prevention (police athletic leagues, community outreach) and law enforcement work (juvenile court, school policing, gang control). Larger departments employ juvenile detectives who investigate crimes in which an underage minor is the main suspect and are also trained to identify juvenile victims of physical and sexual abuse. As you may recall, school resource officers are also trained and assigned to work within educational facilities.

And as the following International Delinquency Feature shows, the United States is not alone in maintaining police units that specialize in the problems of youth.

## The Police and Juvenile Offenders

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Police work with juvenile offenders depends on the size of the police department, the kind of community in which the department is located, and the amount and quality of resources available in the community.

Police who work with juvenile offenders usually have skills and talents beyond those generally associated with regular police work. Juvenile services are often established in large urban police departments through a special unit. Ordinarily, this unit is the responsibility of a command-level police officer, who assigns officers to deal with juvenile problems throughout the police department's jurisdiction. Police departments with very few officers have little need for an internal division with special functions. Most small departments make one officer responsible for handling juvenile matters for the entire community. A large proportion of justice agencies have written policy directives for handling juvenile offenders. However, in both large and small departments, officers assigned to work with juveniles will not necessarily be the only ones involved in handling juvenile offenses. When officers on patrol encounter a youngster committing a crime, they are initially responsible for dealing with the problem; they generally refer the case to the juvenile unit or a juvenile police officer for follow-up. The emergence of cybercrimes has brought new challenges to police who work with juveniles. The accompanying Focus on Delinquency Feature profiles a promising initiative in policing cybercrimes.



# International Delinquency

## Juvenile Police Units Abroad

Specialized policing services for juveniles are an important but relatively recent addition to juvenile justice systems' repertoire in many developed countries. Though the number of police officers assigned to juvenile work has increased in recent years, relatively few developing or least developed countries have police officers trained specifically to deal with juvenile offenders.

Each nation has its own approach to police work with juveniles. In Australia and New Zealand, police departments have established specialized youth aid sections. In New Zealand, this national unit is responsible for diverting more than half of all juvenile offenders from the juvenile justice system.

Canada has developed special juvenile gang units as part of police departments. Juvenile gang units exist in the police departments of the biggest Canadian cities, such as Montreal, Toronto, Vancouver, and Halifax, as well as in many medium-sized and

smaller cities and towns. Overcoming discriminatory policing is of particular concern to help reduce disproportionate minority contact in some Canadian cities and towns.

In Japan, the police response to juvenile delinquency is based on a welfare approach. This approach includes emphasizing punishment as a last resort; promoting a treatment, care, and social work ethic; and working with local agencies responsible for education and job training. Also important in Japan are police boxes (*koban*) in urban areas and police houses (*chuzai-sho*) in rural areas with special officers dealing with juvenile delinquency. Because of the sheer number of these police stations in the country—about 6,600 *koban* and 8,100 *chuzai-sho*—the police have an excellent understanding of conditions that might give rise to juvenile delinquency and violence problems in the community. This knowledge assists



## Focus on Delinquency

### SafetyNet: Smart Cyber Choices

As new crimes emerge or traditional crimes become more problematic, there is often the need for police to become more specialized and allocate resources to focused units within the police department. Gang, auto theft, and robbery units are a few examples of specialized police units. Some of these units come and go as demand for services changes; others become permanent fixtures in the departmental structure. The broad nature of crimes that take place online or in cyberspace has also demanded increased specialization on the part of the police. How specialized different police departments have become in preventing and controlling cybercrime is not entirely clear. What is clear is that police departments—and sometimes within specialized cybercrime units—across the country have initiated any number of programs to prevent and control cybercrimes committed by or perpetrated against children and adolescents.

One of the more innovative programs designed by law enforcement to address juvenile cybercrime is the public education campaign known as “SafetyNet: Smart Cyber Choices.” A collaboration of local, state, and federal agencies investigates


offenders who use the internet, online communication systems, or other computer technology to sexually exploit children. It was established in 2008 by the San Diego Police Foundation in cooperation with the San Diego Internet Crimes Against Children Task Force. The SDICAC supports efforts to identify, arrest, and prosecute online sexual predators and educate the public about potential risks and safety measures. There are currently 61 regional Task Force agencies that are funded by the United States Office of Juvenile Justice and Delinquency Prevention (OJJDP).

SafetyNet educates children and teens about the risks of the internet, including cyberbullying, phishing, sexting, and sexual predators. Also crucial to the program is teaching responsible and ethical use of the internet.

With a special focus on middle school students, the public education campaign works closely with teachers, school administrators, parents, and students. The program is comprised of two main components:

- **Assemblies.** Middle school students attend assemblies designed to educate them about cyber safety.





them in intervening before problems get out of control. In addition to juvenile police officers, there is a police-established system of volunteers to aid the police in dealing with juvenile delinquency. There are three types of voluntary systems:

- Guidance volunteers
- Police helpers for juveniles
- Instructors for juveniles

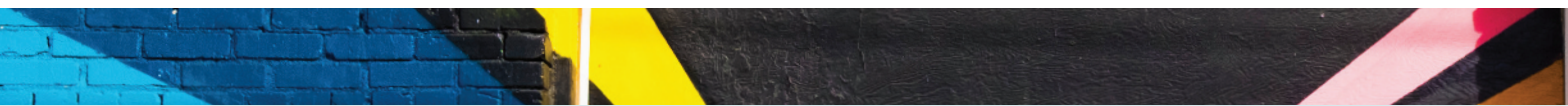
Guidance volunteers work with the police to advise young people about the dangers of being involved in gangs or using drugs; they also provide counseling services to young people in trouble with the law. Police helpers are mostly retired police officers in charge of dispersing large groups of juvenile delinquents, such as gangs. They are not a riot squad but simply assist the police in dealing with large groups of young people who may be looking for trouble or are involved in delinquent acts. Instructors are authorized by the 1985 Law

on Regulation of Business Affecting Public Morals to protect juveniles from unsafe environments—that is, where young people are being abused or neglected. In many ways, these individuals act as child or juvenile protection agents.

### Critical Thinking

Do you believe children should be treated differently than adults, even when they commit serious crimes? Do you see police as a deterrent to delinquency, or would they better serve as “social workers in blue”?

SOURCE: John A. Winterdyk, “Juvenile Justice and Young Offenders: An Overview of Canada,” in Winterdyk, ed., *Juvenile Justice Systems: International Perspectives*, 2nd ed. (Toronto: Canadian Scholars Press, 2nd edition (2002): 91–93. Robin Fitzgerald and Peter Carrington, “Disproportionate Minority Contact in Canada: Police and Visible Minority Youth,” *Canadian Journal of Criminology and Criminal Justice* 53:449–486 (2011). Chris Lewis, Graham Brooks, Thomas Ellis, and Koichi Hamai, “Comparing Japanese and English Juvenile Justice: Reflections on Change in the Twenty-First Century,” *Crime Prevention and Community Safety* 11:75–89 (2009); Minoru Yokoyama, “Juvenile Justice and Juvenile Crime: An Overview of Japan,” in Winterdyk, ed., *Juvenile Justice Systems: International Perspectives*, 2nd ed., pp. 337–338.



The message is about risks they need to be aware of and the harms they can cause to others by engaging in irresponsible or even criminal behavior. Each assembly lasts between 45 and 60 minutes; a San Diego police officer or a San Diego Police Foundation trainer leads it.

- *Parent workshops.* These workshops are geared toward parents of middle school students and other interested adults. They educate parents about the risks their children face online and strategies parents can take to ensure their children’s safety. One of the key elements of the workshops is to help parents better monitor their children’s online activity. The workshops are held in the community—sometimes at schools. A member of the San Diego law enforcement team leads them.

The campaign also provides parents and educators with access to e-learning guides and new updates on the SafetyNet website.

Since the start of the program, more than 120,000 students in the San Diego metropolitan area have attended

assemblies, and thousands of parents have attended workshops. Internal evaluations of the program show some promising results. Participating students report an increased understanding of online risks, and parents report an increased willingness to supervise their children’s online activities.

### Critical Thinking

1. Cybercrimes by and against juveniles present many challenges to the police. What are some of the challenges facing the SafetyNet program? How can these challenges be overcome?
2. How restrictive should parents be in monitoring their children’s online activities?

SOURCES: San Diego Police Foundation, “SafetyNet: Smart Cyber Choices,” <https://www.smartcyberchoices.org/about/who-we-are/#:~:text=SafetyNet%3A%20Smart%20Cyber%20Choices%2%AE,to%20keep%20kids%20safe%20online>, (Accessed March 2022); Melissa Tetzlaff-Bemiller, “Undercover Online: An Extension of Traditional Policing in the United States,” *International Journal of Cyber Criminology* 5:813–824 (2011); Catherine Marcum, George Higgins, Tina Freiburger, Melissa Ricketts, “Policing Possession of Child Pornography Online: Investigating the Training and Resources Dedicated to the Investigation of Cyber Crime,” *International Journal of Police Science and Management* 12:516–525 (2010).

**juvenile officers**

Police officers who specialize in dealing with juvenile offenders; may operate alone or as part of a juvenile police unit within the department.

**role conflicts**

Conflicts police officers face that revolve around the requirement to perform their primary duty of law enforcement and a desire to aid in rehabilitating youthful offenders.

**Police Roles**

**Juvenile officers** operate either as specialists within a police department or as part of an independent juvenile unit. Their role is similar to that of officers working with adult offenders: to intervene if the actions of a citizen produce public danger or disorder. Most juvenile officers are appointed after having had some general patrol experience. A desire to work with juveniles and an aptitude for the work are considered essential for the job. Officers must also have a thorough knowledge of the law, especially the constitutional protections available to juveniles. Some officers undergo special training in handling aggressive or potentially aggressive juveniles.<sup>8</sup>

Most officers regard the violations of juveniles as nonserious unless they are committed by chronic troublemakers or involve significant damage to persons or property. Police encounters with juveniles are generally the result of reports made by citizens, and the bulk of such encounters pertain to matters of minor legal consequence.<sup>9</sup> Of course, police must also deal with serious juvenile offenders whose criminal acts are similar to those of adults; these are a minority of the offender population. Thus, police who deal with delinquency must concentrate on being peacekeepers and crime preventers.<sup>10</sup>

**Role Conflicts** Handling juvenile offenders can produce major **role conflicts** for police. They may experience a tension between their desire to perform what they consider their primary duty, law enforcement, and the need to aid in rehabilitating youthful offenders. Police officers' actions in cases involving adults are usually controlled by the law and their own judgment or discretion. In contrast, a case involving a juvenile often demands that the officer consider the "best interests of the child" and how the officer's actions will influence the child's future well-being. However, in recent years police have become more likely to refer juvenile offenders to courts. It is estimated that about 60% of all juvenile arrests are referred to juvenile court. In contrast, the rest of all juvenile arrests are handled informally within the police department and released or referred to a community-service agency. These informal dispositions, the result of the police officer's discretionary authority, can pay off: kids treated with a warning rather than an arrest are less likely to commit new offenses.<sup>11</sup>

See Exhibit 13.1 for a complete list of policing practices that work, do not work, or are promising.

**Exhibit 13.1****Policing Juvenile Offenders: What Works and What Does Not****What Works**

- Increased directed patrols in street-corner hot spots of crime
- Proactive arrests of serious repeat offenders
- Proactive arrests of drunk drivers
- Arrests of employed suspects for domestic assault
- Problem-oriented policing
- Neighborhood watch
- Focused deterrence policing with specific crimes

**What Does Not Work**

- Arrests of some juveniles for minor offenses
- Arrests of unemployed suspects for domestic assault

- Drug market arrests
- Community policing that is not targeted at risk factors
- Adding extra police to cities with no regard to assignment or activity

**What Is Promising**

- Police traffic enforcement patrols targeting handguns carried illegally
- Community policing when the community is involved in setting priorities
- Community policing focused on improving police legitimacy
- Warrants for arrest of suspect absent when police respond to domestic violence

SOURCES: Anthony Braga and David Weisburd, "The Effects of Focused Deterrence Strategies on Crime: A Systematic Review and Meta-Analysis of the Empirical Evidence," *Journal of Research in Crime and Delinquency* 49:323–358 (2012); Lawrence Sherman and John Eck, "Policing for Crime Prevention," in Lawrence Sherman, David Farrington, Brandon Welsh, and Doris Layton MacKenzie, eds., *Evidence-Based Crime Prevention*, rev. ed. (New York: Routledge, 2006), pp. 321–322; Trevor Bennett, Katy Holloway, and David Farrington, "Does Neighborhood Watch Reduce Crime? A Systematic Review and Meta-Analysis," *Journal of Experimental Criminology* 2:437–458 (2006).

Police intervention in situations involving juveniles can be difficult and emotional. The officer often encounters hostile behavior from the juvenile offender and agitated witnesses. Overreaction by the officer can result in a violent incident. Even if the officer succeeds in quieting or dispersing the witnesses, they will probably reappear the next day, often in the same place.<sup>12</sup>

Role conflicts are common because most police–juvenile encounters are brought about by loitering and rowdiness rather than serious law violations. Public concern has risen about out-of-control youth. Yet, because of legal constraints and family interference, the police are often limited in how they can respond to such offenders.<sup>13</sup>

Another role conflict arises in the use of juveniles as police **informants**. These individuals have access to criminal networks and, under conditions of anonymity, provide information to authorities in exchange for money or special treatment.<sup>14</sup> Police rely on adult and juvenile informants to obtain evidence to make arrests in serious cases that the police may otherwise not be able to solve, such as gun and drug trafficking. Juvenile informants are also used in less serious cases where age is important to the crime—for example, when retailers sell cigarettes or alcohol to minors. Police must balance the need to obtain evidence and the vulnerabilities of (and extra safeguards needed for) juveniles in these cases. Using juvenile police informants requires a higher degree of scrutiny, and this practice should not be warranted in all circumstances.<sup>15</sup>

What role should the police play in mediating problems with youths—law enforcer or delinquency prevention worker? The answer may lie somewhere in between. Most police departments operate juvenile programs that combine law enforcement and delinquency prevention roles. The police work with the juvenile court to determine a suitable role for their community.<sup>16</sup> Police officers may even act as prosecutors in some rural courts when attorneys are not available. Thus, the police–juvenile role extends from the on-the-street encounter to the station house to the court. For juvenile matters involving minor criminal conduct or incorrigible behavior, the police ordinarily select the least restrictive alternative, which includes such measures as temporary assistance or referral to community agencies. In contrast, violent juvenile crime requires the police to arrest youths while providing constitutional safeguards similar to those available to adult offenders.<sup>17</sup>

## Community Policing

While the image depicted in films, books, and TV shows is one of crime fighters who always get their man, since the 1960s, the public has become increasingly aware that the reality of police work is substantially different from its fictional glorification. Because of citizen complaints that police are biased, violate citizens' rights, use excessive force, and rarely catch criminals, there have been efforts to change the nature and focus of policing. As a result, a new view of policing has emerged. Many police departments have discarded the image of crime fighters who track down serious criminals or stop armed robberies in progress. Instead, they have adopted, or are now adopting, the concept that the police's role should be to maintain order and be a visible and accessible component of the community. The thought is that police efforts can be successful only when conducted in partnership with concerned citizens; this model is called **community policing**.<sup>18</sup> This approach relies on proactively addressing the root causes of illegal behavior—poverty, drug abuse, substandard housing, inadequate educational environment—rather than responding to crimes once they have been committed. Community involvement is necessary to help police understand neighborhood residents' daily problems; that way, they concentrate better on eliminating crime and the fear, apathy, and resignation it creates. Only a police–citizen partnership can accomplish these goals while at the same time earning community trust. In addition to citizen groups, police also partner with private industry, nonprofit groups, media, and other government agencies to identify and solve problems. In sum, community policing initiatives involve proactive problem solving in cooperation with various partners. They also mandate that police departments change their

### informant

A person who has access to criminal networks and shares information with authorities in exchange for money or special treatment under conditions of anonymity.

### Community policing

Police strategy that emphasizes reducing fear, organizing the community, and maintaining order rather than fighting crime.

culture and value the community policing goal of reducing crime rates rather than focusing solely on the traditional model of policing that rewards officers who solve individual crimes and make arrests.

## Community Policing Models

Several community policing initiatives seem effective methods of improving perceptions of community safety and the quality of community life while involving citizens in the juvenile justice network.<sup>19</sup>

Under this model, the main police role is to increase feelings of community safety and encourage area residents to cooperate with their local police agencies.<sup>20</sup> Advocates of community policing regard the approach as useful in juvenile justice for many reasons:

- Direct engagement with a community gives police more immediate information about problems unique to a neighborhood and better insight into their solutions.
- Freeing officers from the emergency response system permits them to engage more directly in proactive crime prevention.
- Making police operations more visible increases police accountability to the public.
- Decentralizing operations allows officers to develop greater familiarity with the needs of various constituencies in the community and to adapt procedures to accommodate those needs.
- Encouraging officers to view citizens as partners improves relations between police and the public.
- Moving decision making to patrol officers places more authority in the hands of the people who best know the community's problems and expectations.<sup>21</sup>

Today, about 70% of large police departments have some form of community policing components, serving about 80% of the U.S. population.<sup>22</sup> There is growing evidence that the community policing approach can help reduce teen violence, especially in urban areas.<sup>23</sup> TAPS, a successful police community program is described in the following Treating Delinquency Feature.

### LO3

Set out the elements of what makes up police legitimacy

#### Police legitimacy

Refers to the climate where people have trust and confidence in the police, accept police authority and believe officers are fair.

#### procedural justice

Refers to the belief that police must be fair, unbiased, transparent, and impartial to be effective.

## Police Legitimacy and Procedural Justice

A key issue shaping the relationship between police and the adolescent community is **police legitimacy**.<sup>24</sup> Police officers can carry out their duties more effectively and have better relationships with youth in the community if they have legitimacy. This legitimacy happens when the public perceives them as having legitimate authority, being unbiased in their daily activities, caring and courteous, honest and trustworthy, and objectively serving the rule of law. Community members, including young people, are more likely to both aid the police and obey the law when they view the police as legitimate.<sup>25</sup>

A growing body of research shows that police exercising more fairness and impartiality in making arrests and handling offenders after arrest can gain offenders' cooperation and deter them from further criminal activity.<sup>26</sup> This emphasis on **procedural justice** holds special relevance when some politicians and police administrators believe that aggressive law enforcement efforts targeting disorderly behaviors and minor infractions (e.g., selling illegal cigarettes) are the key to deterring more serious crimes. To carry out these goals, police officers may use such techniques as random stops, questioning, and searches that have led to charges of racial bias and



# Treating Delinquency

## Teen and Police Service (TAPS)

The Teen and Police Service (TAPS) Academy program is designed to help at-risk teens with a propensity for making bad decisions. The students are temporarily enrolled in an alternative school because they have committed serious code of conduct violations or criminal infractions. Police mentors are nominated by their supervisors to volunteer and participate in the TAPS academy. The program involves teens and police working together to understand why crime occurs and, most importantly, what to do about it. The aim is to create a synergistic outcome that moves past “us” versus “them” so that kids see police as an asset to the community and youth move from being at-risk to being “at promise.” This aim is accomplished through learning, interaction, and discussion between youth and the law enforcement personnel who serve their communities. Through this program, the two groups gain valuable insight about each other and the daily issues they face.

In 11 weeks, TAPS covers specific topics associated with children and youth safety, such as violence, physical and sexual abuse, stalking, domestic trafficking, sexual exploitation, and bullying. The academy also covers law enforcement-related subject areas that are important to youth.

The TAPS Academy helps youth change behavior, learn responsible decision making, and avoid participating in crime.

Police mentors stay fully involved and committed for the entire 11 weeks. They go through special workshops and training to become part of the program. TAPS Academy ensures that the diversity of mentors represents the diversity in communities concerning race, gender, and work experiences.

Officer mentors focus on team building and the understanding that working together is a way to reduce conflict and avoid violence. The students work together to accomplish hands-on challenges and actively learn the importance of team building. They also discuss laws related to drug use and possession, the severe penalties associated with use and possession, and the effective strategies to avoid involvement in this criminal behavior.

### Critical Thinking

How do these community programs answer critics who want to “defund the police”? Do these programs suggest that the police are not aware of the changes in policing and the new path police departments are taking with youth?

SOURCE: TAPS, Teen and Police Service Center, TAPS is Different from Traditional Youth and Police Programs, <https://www.tapsacademy.org/tapsacademy/>

accompanying lawsuits to end the practice.<sup>27</sup> In the absence of strict codes of conduct, the growing use of stop-and-frisks by police in inner cities across the country could substantially erode procedural justice and “undermine police legitimacy.”<sup>28</sup> This practice needs to be considered alongside recent evidence that suggests that stop, question, and frisk practices only modestly deter crime.<sup>29</sup> These attitudes take on greater importance because of the mounting evidence that youths who view the police as legitimate are more willing to assist police by identifying suspects and collecting evidence.<sup>30</sup> Police departments are now implementing policies on procedural fairness and learning how to train their officers appropriately.<sup>31</sup>

In addition to the legal ramifications, there is also evidence that contact with police is more likely to produce subsequent delinquent acts than it is to create a deterrent effect.<sup>32</sup> So, an emphasis on procedural justice has become crucial to contemporary policing.

## The Challenge of Procedural Justice

Legal scholar Tracey Meares questions the trade-off that is so often justified for the use of broken windows policing: short-term and modest reductions in crime at the expense of undermining the fairness of law enforcement in the eyes of community residents.<sup>33</sup> Meares argues that future evaluations of this form of policing need to pay just as much attention to its potential to uphold fairness and legitimacy as its potential to reduce crime.

Working with juvenile offenders can be especially challenging for police officers because the desire to help young people and steer them away from crime seems to conflict with the traditional police duties of crime prevention and maintaining order. Although the need to help troubled youths may conflict with traditional police roles, it fits nicely with efforts to improve police legitimacy. Improving these relationships is critical because many juveniles do not have high regard for the police.<sup>34</sup> Research shows that the path to legitimacy with youth runs through such avenues as improving the perception that police officers are both neutral and impartial.<sup>35</sup> Neutrality/impartiality refers to such beliefs as that police consider evidence and viewpoints fairly, are honest in handling a youth's case, and use fair evidence. It is legally permissible to lie to a juvenile (or an adult) during an interrogation, but many perceive this practice to be coercive and antithetical to neutrality/impartiality.

Some studies have looked at the factors shaping young people's perceptions of the police. Not surprisingly, there are racial differences in accepting police legitimacy.<sup>36</sup> Juveniles who have had prior contact with the police hold less favorable attitudes when compared to their counterparts who have not had any contact. Another precursor of negative attitudes is personally experiencing violence. Victims of violence may soon believe that they would not have been victimized if the police had done their job and cared more about them. Another finding is that teens who associate with delinquent peers also develop negative attitudes toward the police.<sup>37</sup>

Taken together, teens who experience violence, have run-ins with police, and associate with delinquent peers are the most likely to develop negative attitudes toward police and run the risk of increasing their involvement in delinquent behavior.

#### LO4

Discuss key legal aspects of police work, including search and seizure and custodial interrogation, and how they apply to juveniles

## Police and the Rule of Law

When police are involved with criminal activity of juvenile offenders, their actions are controlled by statute, constitutional case law, and judicial review. Police methods of investigation and control include (a) the arrest procedure, (b) search and seizure, and (c) custodial interrogation.

### The Arrest Procedure

When a juvenile is apprehended, the police must decide whether to release the youngster or make a referral to the juvenile court. Cases involving serious crimes against property or persons are often referred to court. Less serious cases, such as disputes between juveniles, petty shoplifting, runaways, and assaults of minors, are often diverted from court action.

Most states require that the arrest laws be the same for adults and juveniles. To make a legal **arrest**, an officer must have probable cause to believe that an offense occurred and that the suspect is the guilty party. **Probable cause** is usually defined as falling somewhere between mere suspicion and absolute certainty. In misdemeanor cases, the police officer must personally observe the crime to place a suspect in custody. For a felony, the police officer may arrest without having observed the crime if the officer has probable cause to believe the crime occurred and the person arrested committed it. A felony is a serious offense; a misdemeanor is a minor or petty crime. Crimes such as murder, rape, and robbery are felonies; crimes such as petty larceny and disturbing the peace are misdemeanors.

The police have broader latitude to control youthful behavior than they do with adults. Most juvenile codes, for instance, give police authority to take juveniles into custody and to act *in loco parentis* ("in place of the parent") if they feel a minor may be endangered. Accordingly, the broad power granted to police to detain children is consistent with the notion that a juvenile is not "arrested" but taken into custody for their own protection.<sup>38</sup> Once a juvenile is arrested, however, the constitutional safeguards of the Fourth and Fifth Amendments available to adults also apply to the juvenile. The procedures for taking a juvenile into custody for the Fort Lauderdale, Florida, police Department is set out in Exhibit 13.2.

#### arrest

Taking a person into the custody of the law to restrain the accused until he or she can be held accountable for the offense in court proceedings.

#### probable cause

Reasonable grounds to believe that an offense was committed, and that the accused committed that offense.

## Exhibit 13.2

### Taking Juveniles into Custody

- 1. Responsibility of Officers** The officer who initiates custody of a juvenile will be responsible for completing all required procedures and duties associated with the custodial situation, although they may arrange for assistance with related tasks. Transfer of this responsibility to another officer is a supervisory decision to be made considering personnel, overtime, and related issues.
- 2. Arrest of Juveniles Under the Age of Twelve** No juvenile under the age of twelve (12) shall be arrested without the approval of a lieutenant or higher.
  - a. Factors for consideration shall include but are not limited to:
    - (1) The severity of the crime.
    - (2) The offense history of the juvenile.
    - (3) The likelihood of the juvenile reoffending.
    - (4) Protection of and consideration for the victim.
    - (5) The juvenile's potential threat to public safety.
    - (6) The juvenile's mental / emotional condition.
  - b. Alternatives to arrest:
    - (1) Juvenile Civil Citation.
    - (2) Release to a responsible family member.
    - (3) Referral to other official diversion programs.

SOURCE: Fort Lauderdale Police, Juvenile Procedures, March 3, 2020 <https://www.flpd.org/home/showpublisheddocument/4144/637196260311270000>

A current trend treats juvenile offenders more like adults. Related to this trend are police efforts to provide a more legalistic and less informal approach to the arrest process and a more balanced approach to case disposition.<sup>39</sup>

## Search and Seizure

Do juveniles have the same right to be free from unreasonable **search and seizure** as adults? In general, a citizen's privacy is protected by the Fourth Amendment of the Constitution, which states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oaths or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.<sup>40</sup>

Most courts have held that the Fourth Amendment ban against unreasonable search and seizure applies to juveniles and that illegally seized evidence is inadmissible in a juvenile trial. To exclude incriminating evidence, a juvenile's attorney makes a pretrial motion to suppress the evidence, the same procedure used in the adult criminal process.

The Supreme Court has ruled that police may conduct a legal search without a warrant under exigent circumstances, for example, if they have a reasonable belief that the suspect is carrying a weapon or is trying to discard or destroy evidence of their crime. One area of an acceptable warrantless search is immediately after a legal arrest. However, the search can only be in the immediate area of the suspect's control. So, if someone is arrested for possession of drugs or a gun, the police may search the pockets of a suspect's jacket, but only if it is within the suspect's reach.<sup>41</sup> Police would not be allowed to search a jacket in a closet or the trunk of a car.<sup>42</sup> Police may search an automobile if probable cause exists to believe a crime has occurred, but they may only search what is in plain view in the car's interior.<sup>43</sup> A suspect's outer garments may be lightly frisked to check for weapons if police are suspicious of their activities.<sup>44</sup> Police may conduct a search without a warrant if a person volunteers for the search.<sup>45</sup> These rules are usually applied to juveniles as well as to adults. Exhibit 13.3 reviews when warrantless searches are legally allowed.

### search and seizure

The U.S. Constitution protects citizens from any search and seizure by police without a lawfully obtained search warrant; such warrants are issued when there is probable cause to believe an offense has been committed.

## Exhibit 13.3

### Warrantless Searches

| Action                    | Scope of Search  |
|---------------------------|--|
| Stop-and-frisk            | Pat-down of a suspect's outer garments.  |
| Search incident to arrest | Full body search after a legal arrest.   |
| Automobile search         | If probable cause exists, full search of car, including driver, passengers, and closed containers found in trunk. Search must be reasonable. |
| Consent search            | Warrantless search of person or place is justified if suspect knowingly and voluntarily consents to search.                                  |
| Plain view                | Suspicious objects seen in plain view can be seized without a warrant.   |
| Electronic surveillance   | Material can be seized electronically without a warrant if suspect has no expectation of privacy.  |
| Home entry                | A home can be entered without a warrant if there is reason to believe that evidence of a crime is being destroyed.                           |

#### custodial interrogation

Questions posed by the police to a suspect held in custody in the pre-judicial stage of the juvenile justice process; juveniles have the same rights against self-incrimination as adults do when being questioned.

#### Miranda v. Arizona

Police interrogations of suspects in custody are subject to constitutional limitations.

#### Miranda warning

In the case *Miranda v. Arizona*, the Supreme Court required police officers to inform individuals of their constitutional rights when under arrest; warning must also be given when suspicion begins to focus on an individual in the accusatory stage.

### Custodial Interrogation

In years past, police often questioned juveniles without their parents or even an attorney present. Any incriminating statements arising from such **custodial interrogation** could be used at trial. However, in the 1966 case *Miranda v. Arizona*, the Supreme Court placed constitutional limitations on police interrogation procedures with adult offenders.

*Miranda* held that persons in police custody must be told the following:

- They have the right to remain silent.
- Any statements they make can be used against them in a court of law.
- They have the right to counsel.
- It will be furnished at public expense if they cannot afford counsel.<sup>46</sup>

The **Miranda warning** applies to juveniles taken into custody. The Supreme Court case of *In re Gault* stated that constitutional privileges against self-incrimination apply in juvenile and adult cases. Because *In re Gault* implies that *Miranda* applies to custodial interrogation in criminal procedures, state court jurisdictions apply the requirements of *Miranda* to juvenile proceedings as well. Since the 1967 *Gault* decision, virtually all courts ruling on the *Miranda* warning have concluded that it does apply to the juvenile process. *J.D.B. v. North Carolina* ruled that age matters and that police must take greater care when questioning children in their custody.<sup>47</sup>

Under what circumstances can juveniles knowingly and willingly waive the rights given them by *Miranda v. Arizona*? Does a youngster, acting alone, have sufficient maturity to appreciate the right to remain silent?

No national standard exists on when and how minors can decide to waive their *Miranda* rights and talk to the police.<sup>48</sup> Most states now require police to notify parents when police take their child into custody. Some require the parents to be physically present or consulted before a youth can waive *Miranda*. Take, for instance, California, which raised the age of mandatory consultation with counsel to 18 years before a juvenile can waive their right to remain silent.<sup>49</sup> Police would be forbidden from questioning a 17-year-old arrestee without their counsel present, even if the arrestee wanted to talk to the police who took them into custody.



Other states have ruled that an arrested youth cannot be questioned unless a parent or legal guardian has been notified and then gives their consent for the police to proceed. While these measures indicate an effort to protect a minor from intrusive and forceful questioning, research indicates that most parents really do not understand their child's legal rights, making the parental presence requirement somewhat moot.<sup>50</sup> One study found that parents could answer less than half the questions on a survey of the legal rights of children.<sup>51</sup> Consequently, allowing minors to consult with their parents may not always produce the desired result.

**Totality of the Circumstances** Even when the law gives the police the right to interrogate a minor in custody, a juvenile's waiver of their right not to answer police questioning is typically determined by what is known as the **totality of the circumstances doctrine**.<sup>52</sup> This idea means that the waiver's validity rests not only on age but also on a combination of other factors, including the child's education, knowledge of the charge, whether the child was allowed to consult with family or friends, and the method of interrogation.<sup>53</sup> The general rule is that juveniles can waive their rights to protection from self-incrimination. Still, the validity of this waiver is determined only after considering all the circumstances of the case. It rests on the fact that a reasonable person would find that the minor's decision is informed and reasoned.

Legal experts suggest that older juveniles—16- and 17-year-olds—sufficiently understand their *Miranda* rights. Still, younger ones do not and should only be questioned when a parent, guardian, or legal counsel is present (though parents may not understand a child's rights themselves). In addition, to ensure fairness and avoid misunderstandings, all police interrogations of juveniles should be recorded. Legal scholar Barry Feld suggests that this effort would go some way toward ensuring that juveniles of all ages do understand their rights.<sup>54</sup>

Recording interrogations sessions would also reduce the risk of false confessions, which is especially problematic among younger juveniles who have experienced personal trauma before being taken into police custody.<sup>55</sup>

Exhibit 13.4 describes the steps to take when a federal agent takes a minor into custody.

#### **totality of the circumstance's doctrine**

A method of basing decisions on all available information. The question is, considering all the circumstances of a particular case, what conclusions would a reasonable person make or decide.

### **Exhibit 13.4**

#### **Federal Protocol after a Juvenile is Arrested**

The federal government spells out the specific protocol to be followed if federal agents arrest a juvenile.

- Whenever a juvenile is arrested for an act of juvenile delinquency, they must immediately be advised of their legal rights.
- The Attorney General (United States Attorney) shall be notified.
- The juvenile's parents, guardian, or custodian must also be immediately notified of their arrest, their rights, and the nature of the alleged offense.
- This notification requirement is not invoked when a juvenile is arrested and placed into administrative detention but rather is initiated by the juvenile's placement into custody after the filing of an information alleging delinquent conduct.
- Notification made after a statement has been given or made without spelling out the juvenile's right to notify a responsible adult cannot satisfy the statutory mandate.
- If the juvenile is an alien, a reasonable effort must be made to reach their parents, and if not feasible, prompt notice to their country's consulate should be made.
- The juvenile must immediately be taken before a magistrate if a magistrate is available. If a magistrate is not immediately available, the juvenile cannot be detained for longer than a reasonable period.

SOURCE: United States Department of Justice, Questioning a Juvenile in Custody <https://www.justice.gov/archives/jm/criminal-resource-manual-44-questioning-juvenile-custody>

### **Fare v. Michael C. and California v. Prysock**

These cases make it seem indisputable that juveniles are at least entitled to receive the same *Miranda* rights as adults.

Another issue involving police interrogation is whether juveniles have the right to ask for any responsible adult to be present when police question them, or does the right to representation only apply to an attorney? In *Fare v. Michael C.* the Supreme Court ruled that a child's asking to speak to his probation officer was not the equivalent of asking for an attorney; consequently, statements he made to the police absent legal counsel were admissible in court.<sup>56</sup> Therefore, *Miranda's* right to ask for a lawyer applies to juveniles also.

In another significant case, *California v. Prysock*, the court was asked to rule on the adequacy of a *Miranda* warning given to Randall Prysock, a youthful murder suspect.<sup>57</sup> After reviewing the taped exchange between the police interrogator and the boy, the Court upheld Prysock's conviction when it ruled that even though the *Miranda* warning was given in slightly different language and out of exact context, its meaning was easily understandable, even to a juvenile.

Taken together, *Fare* and *Prysock* make it seem indisputable that juveniles are at least entitled to receive the same *Miranda* rights as adults. *Miranda v. Arizona* is a historic decision that continues to protect the rights of all suspects placed in custody.

#### **LO5**

Describe police use of discretion and factors that influence discretion

### **discretion**

Use of personal decision making and choice in carrying out operations in the criminal justice system, such as deciding whether to make an arrest or when to accept a plea bargain.

## **Discretionary Justice**

Police are granted and use discretion to make decisions during a typical work day. The patrol officer's discretion often determines whether a noisy neighborhood dispute involves the crime of disturbing the peace or whether it can be controlled with street-corner diplomacy and the combatants sent on their way. Similarly, teenagers milling around in the shopping center parking lot can be brought in and turned over to the juvenile authorities or handled in a less formal and often more efficient manner.

Today, juvenile offenders receive nearly as much procedural protection as adult offenders. However, the police have broader authority in dealing with juveniles than adults. Granting such **discretion** to juvenile officers raises some important questions: Under what circumstances should an officer arrest status offenders? Should a summons be used in lieu of arrest? Under what conditions should a juvenile be taken into protective custody?

When police confront a case involving a juvenile offender, they rely on their discretion to choose an appropriate course of action. Police discretion is selective enforcement of the law by authorized police agents. Discretion gives officers a choice among possible courses of action within the limits of their power.<sup>58</sup> It is a prime example of *low-visibility decision making*—a public official making decisions that the public is not in a position to regulate or criticize.<sup>59</sup>

Discretion exists not only in the police function but also in prosecutorial decision making, judicial judgments, and corrections. Discretion results in the law being applied differently in similar situations: two teenagers are caught in a stolen automobile, one is arrested, and the other is released. Two youths are drunk and disorderly; one is sent home, and the other to juvenile court; A group of youngsters is involved in a gang fight; only a few are arrested, and the others are released.

Much discretion is exercised in juvenile work because of the informality built into the system to individualize justice.<sup>60</sup> Furthermore, officials in the juvenile justice system make decisions that are often without oversight or review. The daily procedures of juvenile personnel are rarely subject to judicial review, except when they clearly violate a youth's constitutional rights. As a result, discretion sometimes deteriorates into discrimination and other abuses by the police.

The real danger in discretion is that it can allow police to treat youths differently based on race, gender, ethnicity, and economic status, conditions that have little to do with the delinquent act.<sup>61</sup> Problems persist even when police use discretion in an unbiased fashion. Too little discretion provides insufficient flexibility to treat juvenile offenders as individuals. Too much discretion can lead to injustice. Guidelines and controls are needed to structure the use of discretion.

Some of the earliest studies of discretion found that many juvenile offenders are never referred to juvenile court and are released with a warning.<sup>62</sup> In a classic study, conducted more than 50 years ago, Nathan Goldman examined the arrest records of more than 1,000 juveniles from four communities in Pennsylvania.<sup>63</sup> He concluded that police handled more than 64% of contacts with juveniles informally. Subsequent research offered additional evidence of the informal disposition of juvenile cases.<sup>64</sup>

Since Goldman's pioneering study, other research efforts have found that, more often than not, police use their discretion to handle juvenile cases informally; formal arrest and juvenile court processing is the exception rather than the rule.<sup>65</sup> Take, for instance, an analysis of police patrols in Indianapolis, Indiana, and St. Petersburg, Florida. The analysis found that only 13% of police encounters with juveniles resulted in arrest.<sup>66</sup>

If all police officers acted fairly and justly, the crime's seriousness, the situation in which it occurred, and the juvenile's legal record would be the factors affecting decision making. Research shows that police are much more likely to take formal action if the crime is serious and has been reported by a victim who is a respected member of the community; also, formal action results if the offender is well known to police.<sup>67</sup> Some more extralegal factors that shape police discretion are listed below.

## Environmental Factors

How does a police officer decide what to do with a juvenile offender? The norms of the community are a factor in the decision. Some officers work in communities that tolerate a fair amount of personal freedom. In liberal environments, the police may be inclined to release juveniles rather than arrest them. Other officers work in conservative communities that expect a no-nonsense approach to police enforcement. Here, police may be more inclined to arrest a juvenile.

Police officers may be influenced by their perception of community alternatives to police intervention. Some officers may use arrest because they believe nothing else can be done.<sup>68</sup> Others may favor referring juveniles to social service agencies, particularly if they believe a community has good resources. These referrals save time and effort; records do not have to be completed, and court appearances can be avoided. The availability of such options allows for greater latitude in police decision making.<sup>69</sup>

## Police Policy

The policies and customs of the local police department also influence decisions. Juvenile officers may be pressured to make more arrests or to refrain from making arrests under certain circumstances. Directives instruct officers to be alert to certain types of juvenile violations. The chief of police might initiate policies governing the arrest practices of the juvenile department. Local merchants complaining that youths congregating in a shopping center parking lot are inhibiting business may ask the police to make arrests. Under other circumstances, the police might instead give an informal warning. Similarly, a rash of deaths caused by teenage drunk driving may galvanize the local media to demand police action. The mayor and the police chief, sensitive to possible voter dissatisfaction, may then demand that formal police action be taken in cases of drunk driving.

Another source of influence is pressure from supervisors. Some supervising officers may believe it is important to curtail disorderly conduct or drug use. In addition, officers may be influenced by the discretionary decisions made by their peers.

## Situational Factors

In addition to the environment, various situational factors affect a police officer's decisions. Situational factors are those attached to a particular crime, such as specific traits of offenders. Traditionally, people believed that police officers relied heavily

on the juvenile's demeanor and appearance in making decisions. Research shows that the decision to arrest often reflects factors such as dress, demeanor, speech, and level of hostility toward the police.<sup>70</sup> Early studies found that kids who displayed "attitude," i.e., were disrespectful, were the ones most likely to be arrested, not those who were apologetic and contrite.<sup>71</sup> This dynamic may be changing. While attitude is still a factor, more recent research may indicate that police, through training or experience, are now less sensitive to slights and confrontational behavior, viewing them as part of the job. Today, the police decision to take formal action is also influenced by how the teen acts after they are detained and questioned by police.<sup>72</sup> A teen who struggles, confronts, or touches police while being detained is a likely candidate for formal arrest.<sup>73</sup> While a disrespectful demeanor does not help, physically resisting or acting in a threatening manner is a much more powerful determinant of provoking an arrest. Most studies conclude that the following variables are important situational factors in the police discretionary process:<sup>74</sup>

- The attitude of the complainant
- The type and seriousness of the offense
- The attitude of the offender
- The offender's prior contacts with the police
- The perceived willingness of the parents to assist in solving the problem (in the case of a child)
- The setting or location in which the incident occurs
- Whether the offender denies the actions or insists on a court hearing or demands a lawyer
- The likelihood that an agency in the community can serve a child
- The victim's race. Police officers may take different actions when the victim is white rather than when the victim is a person of color.

## LO6

Articulate how bias can influence discretion

## Bias and Police Discretion

One of our time's most important justice-related issues is the charge that police discretion is rife with racial bias and disparate treatment. The importance of this issue cannot be over-emphasized since significant long-term deficits are associated with an arrest. At a minimum, juveniles face increased risk of unhealthy lifestyle, involvement in violence, and being the victim of violence themselves after an arrest.<sup>75</sup> Young people with arrest records have lower earnings, longer unemployment, greater work instability, diminished educational levels, and a greater risk of destructive family conflicts. Therefore, whether police routinely use racial profiling and then allow implicit or explicit bias to affect their discretion to arrest is critical for the minor's future.

It has long been charged that police are more likely to act formally with African American teens and use their discretion to benefit Euro-Americans.<sup>76</sup> Many children of color claim they have been stopped and frisked by the police at least once; some reported multiple occasions. Most of them held a negative view of this interaction, first because they thought it unfair and then because it was accompanied by the police being "discourteous and even verbally abusive."<sup>77</sup>

The assumption that the police are racially biased is so universal that slang terms for unfairness have become part of the nation's vocabulary. In the context of traffic stops, the phrase "driving while black" has been coined to refer to the fact that police disproportionately stop African American drivers.<sup>78</sup>

Notorious police-shooting deaths such as that of Michael Brown in Ferguson, Missouri, in 2014, and the 2020 killing of George Floyd in Minneapolis, Minnesota, have produced largescale protests around the country. Similar tragic incidents (and protests) across the country have further amplified the view that police are more likely



to act more forcefully and violently with African American suspects than whites. Commentators called attention to several policing styles and practices—aggressive law enforcement, broken windows policing, stop-and-frisk—that may very well contribute to this unfair treatment of African Americans by the police.<sup>79</sup> Created in response to these events, the President’s Task Force on 21st Century Policing made these recommendations:

- Law enforcement needs to adopt procedural justice as the guiding principle for all internal and police–citizen interactions.
- Police agencies must develop “clear and comprehensive policies” for using force.
- Police agencies need to emphasize community policing practices for crime reduction.<sup>80</sup>

There is no question that African American youths are arrested at a rate disproportionate to their representation in the population.

The weight of the empirical evidence is that institutional bias found in the justice system and not actual differences in criminal activity are responsible for the disproportionate minority contact: police are more likely to stop, search, and arrest children of color than they are members of the white majority. Institutional bias creates a vicious cycle: because they are targeted more frequently, teens of color are more likely to possess a criminal record; having a criminal record is associated with future stops and searches.<sup>81</sup>

Numerous studies find that as victims of **racial profiling**, citizens of color are more likely to be stopped and fished than a member of the white majority, especially if they seem “out of place” (i.e., walking or running in a white neighborhood).<sup>82</sup> Minority suspects are more likely to be arrested than white suspects when stopped by police for the same behaviors.<sup>83</sup> When Ojmarrh Mitchell and Michael Caudy looked at racial differences in the arrest of street-level drug offenders, they found that young black men were more than twice as likely as whites to experience a drug distribution arrest despite engaging in the same behavior patterns. They reason that the differences result from implicit police bias: police officers focus on patrolling inner-city areas where drug offending may be readily apparent and where residents are predominately African Americans. These factors reinforce prevailing stereotypes linking youth of color to drug offending and, in turn, bolster the belief such areas need greater drug control efforts, leading to even more arrests.<sup>84</sup>

Racial profiling may also be common in communities with relatively few racial minorities (i.e., “white neighborhoods”). In racially segregated neighborhoods and communities, police may be suspicious of youth of color based on their race if it is inconsistent with the neighborhood’s racial composition.<sup>85</sup>

Racial profiling helps create a cycle of hostility: Black youth see their experience with police as unfair or degrading; they approach future encounters with pre-existing suspicion; police take this as a sign that black youth pose a special danger; they then respond with harsh treatment so that a never-ending cycle of mutual mistrust results.<sup>86</sup> Take, for instance, the research by Donna Bishop and Michael Leiber that found that race directly affects police decision making.<sup>87</sup> According to Bishop and Leiber, African American youths are more likely than Whites not only to be arrested, but after that recommended for formal processing, referred to court, adjudicated delinquent, and given harsher dispositions for comparable offenses.<sup>88</sup>

See the Focus on Delinquency Feature for an alternative view of racial bias in police decisions.

**Gender Bias** Is there a difference between police treatment of male and female offenders? Some experts favor the *chivalry hypothesis*, which holds that police are likely to act paternally toward young girls and not arrest them. Others believe that police may be more likely to arrest female offenders because their actions violate officers’ stereotypes of females.

### **racial profiling**

Police-initiated action directed at a suspect or group of suspects based solely on race.

Some research supports various forms of gender bias. The nature of this bias may vary according to the offense's seriousness and the offender's age. Studies offer a variety of conclusions, but there seems to be general agreement that police are less likely to process females for delinquent acts and that they discriminate against them by arresting them for status offenses.<sup>89</sup> Kimberly Kempf-Leonard has found that this gender bias is not straightforward from arrest through disposition:

Available evidence suggests that juvenile justice processing initiates at arrest and referral in a somewhat biased, stereotypical manner, proceeds with more fair and balanced adjudication, and then concludes with differential treatment, which may be especially detrimental for girls who are placed out of home.<sup>90</sup>



## Focus on Delinquency

### Randall Kennedy on Racial Bias and Police Decision Making

Does police discretion work against the young, males, the poor, and minority group members, and does it favor special interest groups such as wealthy white males? While the weight of the research supports the bias approach, some scholars, such as Harvard law professor Randall Kennedy, argue that the biggest problem concerning police and race is not racial profiling but the neglect of public safety in neighborhoods of color. Kennedy argues that the bias problem has diminished in recent decades by a genuine decline in white racism and an increase in control of political and legal systems by persons of color. He fears that unfounded allegations of racism will create defensiveness by government officials who cannot abide the charge that racial bias determines their conduct. He challenges the position that racism is always at the root of the fact that children of color suffer disproportionate arrest rates. Sometimes African Americans are punished more harshly, Kennedy suggests, not because of bigotry but because they engage in more serious and dangerous behavior. For example, he points to the heated controversy over the racial discrepancy in sentences between those convicted of crack offenses, most of whom are black, and those convicted of powder cocaine offenses, most of whom are white. Some may view this difference in sentencing as an indication of legal bias. Kennedy argues that we have failed to consider crack's much greater availability and devastating impact on the African-Americans community. Despite Kennedy's views, the crack possession penalties were eventually reduced.

Kennedy also has voiced an opinion about those who want to "defund the police." Many, he claims, really mean what they say. They merely want to abolish policing "as we

currently know it." Every serious reformer wants to do that, he states. "I certainly want to abolish policing that includes humiliation, intimidation, and brutality as a matter of habit." Nonetheless, he wants some agency to have lawful authority to use force to support legitimate social norms that can protect people against marauders and apprehend criminal predators.

And where is this force most needed? The need for such an agency is especially acute among those dependent upon public as opposed to private protective forces—in other words, those who cannot afford to buy their own security. Those who really want to eliminate police altogether deny or minimize the very real problem posed by violent criminality, especially in vulnerable, impoverished, disorderly neighborhoods. They ignore and discount the very real contribution that decent policing can make to helping reduce crime rates. Kennedy cites the lack of outrage in the nation over everyday interpersonal violence in black communities, a scourge that policing must confront more effectively. At the same time, a massive effort is needed to improve the provision of employment, wealth, housing, and medical care. Public funds should be taken away from the police and used to invest more in nurturing people productively. Healthy, secure, educated, gainfully employed people tend to abjure criminally antisocial conduct.

#### Critical Thinking

What do you think? Do you believe the police consider race when deciding to arrest juveniles suspected of violating the law?

SOURCES: Randall Kennedy, *Why We Need Good Police Dissent* 68: 94–95 (2021); Randall Kennedy, *Race, Crime and the Law* (New York: Vintage, 1998).

**Organizational Bias** The policies of some police departments may result in biased practices. Research has found that police departments can be characterized by their professionalism (skills and knowledge) and bureaucratization.<sup>91</sup> Departments that are highly bureaucratized (high emphasis on rules and regulations) and, at the same time, unprofessional are most likely to be insulated from the communities they serve. The perceptions of police decision makers may influence organizational policy. Many experts have found that law enforcement administrators have a stereotyped view of the urban poor as troublemakers who must be kept under control.<sup>92</sup>

Consequently, impoverished neighborhoods experience much greater police scrutiny than middle-class areas, and their residents face a proportionately greater chance of arrest. A significant body of literature shows that police are more likely to “hassle” or arrest African American males in poor neighborhoods than white males in middle-class neighborhoods.<sup>93</sup> It is therefore not surprising that teenage residents of neighborhoods in low socioeconomic areas have a significantly greater chance of acquiring police records than youths living in higher socioeconomic areas, regardless of the actual crime rates in these areas.<sup>94</sup> Although police officers may not discriminate individually, departmental policy focusing on lower-class areas may result in class and racial bias in the police processing of delinquent youth.

In summary, the policies, practices, and customs of the local police department influence discretion. Conditions vary from department to department and depend on the chief’s judgment and others in the organizational hierarchy. Because the police retain a significant degree of discretionary power, the ideal of non-discrimination is often difficult to achieve in practice.

## Police Work and Delinquency Prevention

Police have taken the lead in delinquency prevention. They have used several strategies: some rely on their deterrent powers;<sup>95</sup> others rely on their relationship with schools, the community, and other juvenile justice agencies; and still others rely on a problem-solving model. Exhibit 13.5 lists the main police strategies to prevent delinquency.

**LO7**

Appraise the major policing strategies to prevent delinquency

## Aggressive Law Enforcement

Not all juvenile delinquents are minor offenders; some commit extremely violent crimes, including homicide, rape, robbery, aggravated assault, and kidnapping. Juveniles account for about one out of every ten violent crime arrests (10%).<sup>96</sup> Since the mid-1990s, the juvenile violence rate has declined rather substantially.

### Exhibit 13.5

#### Police Strategies to Prevent Delinquency

| Strategy   | Scope   |
|--|---|
| Aggressive law enforcement                               | High visibility; making arrests for minor and serious infractions   |
| Police in schools  | Collaborate with school staff to create a safer school environment and develop programs                     |
| Problem-oriented policing                                | Focus on problems underlying criminal incidents; often engage community and other juvenile justice agencies |
| Community-based policing services and community policing | Engage citizens and community-based organizations   |

For example, between 2010 and 2019, juvenile violent crime arrests dropped more than 30%. However, the COVID pandemic created a significant surge in violent crime; it's possible that this upward trend will continue.

Police and other justice agencies are experimenting with different methods of controlling violent youth. Some of these methods rely on state-of-the-art technology to pinpoint the locations of violent crimes and then station officers in the vicinity of these “hot spots.”<sup>97</sup> Police agencies are also using technology that can identify perpetrators through DNA testing to methods designed to improve response time.<sup>98</sup>

Research shows that several effective policing practices are available, including increased directed patrols in street-corner hot spots of crime, proactive arrests of serious repeat offenders, and **problem-oriented policing**.<sup>99</sup> These strategies address problems of community disorganization and can be effective deterrents when combined with other laws and policies, such as targeting illegal gun carrying.<sup>100</sup> Although many of these policing strategies are not new, implementing them as one element of an overall police plan may have an impact on preventing juvenile violence.

One method of contemporary delinquency prevention relies on aggressive patrolling targeted at specific patterns of delinquency. Police departments in Chicago and Los Angeles have used saturation patrols, targeting gang areas and arresting members for any law violations.<sup>101</sup>

Even if effective, aggressive policing responses carry serious baggage: “heavy-handed suppression efforts” have resulted in increased rather than decreased cohesion among gang members and further exacerbate the sometimes-fragile relations between the police and some communities.<sup>102</sup>

## Police in Schools

One of the most important institutions in delinquency prevention is the school (see Chapter 10). More than 10,000 full-time police are working as school resource officers in schools across the country. In addition to helping make the school environment safe for students and teachers, school resource officers work closely with staff and administrators in developing delinquency-prevention programs.<sup>103</sup> These officers and liaison officers from schools and police departments have played a leadership role in developing recreational programs for juveniles. In some instances, police have actually operated such programs. In others, they have encouraged community support for recreational activities, including Little League baseball, athletic clubs, camping outings, and police athletic and scouting programs. Some schools also show reductions in arrests for assault and weapons offenses.<sup>104</sup> School resource officers can make a difference in the lives of youths.<sup>105</sup> At the same time, some research points to concerns about the criminalization of behavior by school resource officers that was once handled informally by school officials,<sup>106</sup> and the media is replete with examples of minor infractions turning into arrests and referrals to juvenile court.<sup>107</sup> Most school resource officers routinely conduct interrogations and are involved in investigating crime activities within the school setting.<sup>108</sup>

The following Professional Spotlight Feature tells the story of an experienced school safety officer.

**Police in School-based Prevention Efforts** Local police have also been active in school-based drug use and delinquency prevention efforts. Chapter 12 discussed drug-prevention programs such as DARE and Keepin’ It REAL. The police–school based program Gang Resistance Education and Training (G.R.E.A.T.) is another example of a police and school partnership to reduce delinquency. G.R.E.A.T. was first developed in 1991 among several Arizona police departments to reduce adolescent involvement in criminal behavior. Today, the program is in school curricula in all 50 states, the District of Columbia, and

### problem-oriented policing

Law enforcement that focuses on addressing the problems underlying incidents of juvenile delinquency rather than the incidents only.



# Professional Spotlight

## Kevin Quinn



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Kevin Quinn has served as a school resource officer for 17 years. He was the president of the National Association of School Resource Officers and the Arizona School Resource Officers Association. Quinn has trained Law Enforcement and the public all over the country in numerous topics such as basic/advanced

sro, school violence prevention, active shooter response, firearms, and high-risk vehicle stops tactics. He worked in the largest high school in the state for 15 years and found that a school resource officer (SRO) officer can make a difference in kids' lives.

What did he find most rewarding about the job? Most rewarding for him was watching the kids grow up into young adults and then graduate, knowing that he had some small hand in helping them achieve that goal, whether they realize it or not. He has seen kids walk across the graduation stage whom he thought would never finish high school, even some whom he had to arrest. He was pleased when they thanked him on graduation day, saying the arrest was

the moment when they decided to turn their life around. He has also helped some students get out of abusive dating relationships. Quinn says the most interesting part of the job was seeing the educational system from the inside. Being a part of the administration team and attending their meetings gave him insight into what really goes on behind the scenes in schools and why school administrators do the things they do.

Since Quinn was the only police officer on the campus—and it spans more than 80 acres—he was responsible for taking care of any incidents requiring law enforcement intervention. This ranges from petty thefts on campus to drug possession and any other incidents that students disclose. He would also assist the administration with keeping the school crisis plan updated and scheduling emergency response drills throughout the year.

Quinn believes his biggest challenge as an SRO was getting law enforcement officers and education professionals to work together to meet the same goals. Since the professions are inherently different, sometimes there is a conflict between the two, but at the end of the day, they are trying to reach the same result. This area is where trainings that cover SRO/administration relationships are critical to ensure educators and police officers learn how to cooperate for the good of the school community.

several Central American countries.<sup>109</sup> The program's primary objective is to prevent delinquency and gang involvement. Trained police officers administer the program in school classrooms about once a week. The program consists of four components: a 13-week middle school curriculum (see Exhibit 13.6 for the 13 lessons), a six-week elementary school curriculum, a summer program, and family training. Since the start of the program, more than six million children have participated in the G.R.E.A.T. curriculum, and more than 13,000 police officers have been trained to deliver it.

Evaluations of G.R.E.A.T. when it was just an eight-week program for middle school students showed mixed results in reducing delinquency and gang involvement. One evaluation found that students who completed the curriculum developed more prosocial attitudes and had lower rates of gang membership and delinquency than those in a comparison group who were not exposed to G.R.E.A.T.<sup>110</sup> Another evaluation of the program, four years after students completed the curriculum, did not find any significant differences for gang membership or delinquency compared to a control group. The evaluation did find that those who took the program held more prosocial attitudes than those who were not in the program.<sup>111</sup> These evaluations contributed to the new and more comprehensive program, which was implemented on a national scale in 2003.

## Exhibit 13.6

### Lessons of the Middle School G.R.E.A.T. Program

1. **Welcome to G.R.E.A.T.** Students get acquainted with the program.
2. **What's the Real Deal?** Students learn facts and myths about gangs and violence.
3. **It's About Us.** Students learn about their roles and responsibilities to their community and what they can do about gangs.
4. **Where Do We Go from Here?** Students are taught how to set realistic and achievable goals.
5. **Decisions, Decisions, Decisions.** Students learn the impact of decisions on goals.
6. **Do You Hear What I Am Saying?** Students are taught effective communication skills.
7. **Walk in Someone Else's Shoes.** Students learn about expressing empathy for others.
8. **Say It Like You Mean It.** Students learn about self-expression.
9. **Getting Along Without Going Along.** Students become acquainted with negative influences and peer pressure and how to resist them.
10. **Keeping Your Cool.** Students are taught techniques to control anger.
11. **Keeping It Together.** Students are taught techniques to recognize anger in others and how to diffuse that anger.
12. **Working It Out.** Students learn about resolving interpersonal conflict and where to go for help.
13. **G.R.E.A.T. Days Ahead.** Students review what they have learned and think about how to make their school safe.

SOURCE: Gang Resistance Education and Training, <https://www.great-online.org/Home/About/MiddleSchool> (accessed October 2016).

In 2006, the National Institute of Justice awarded a five-year grant to the University of Missouri-St. Louis to evaluate the new version of G.R.E.A.T. The evaluation was carried out in seven cities across the country, including 31 public middle schools, 195 classrooms (102 received G.R.E.A.T. and 93 did not receive the program), and approximately 4,000 students. Short-term results—one year after the program ended—were very promising. Compared to the group of students who did not receive the program, G.R.E.A.T. students self-reported lower gang membership rates and more prosocial attitudes on various outcomes related to the program.<sup>112</sup>

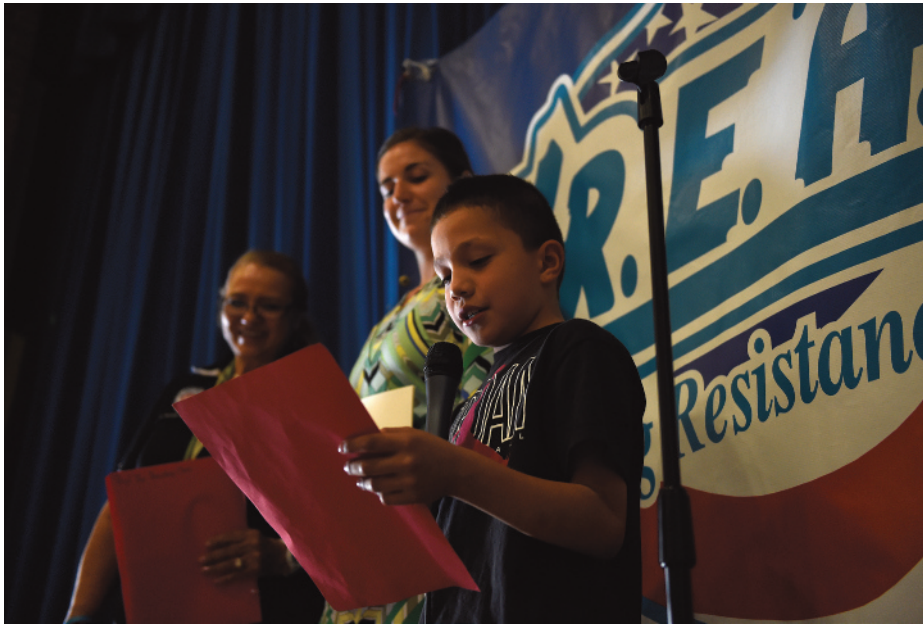
Another example of police working closely with schools is the Community Outreach Through Police in Schools Program. This program brings together Yale University's Child Study Center and the New Haven Police Department to address the mental health and emotional needs of middle school students exposed to violence in the community. Specifically, the program aims to help these students:

- Better understand the way their feelings affect their behavior
- Develop constructive means of responding to violence and trauma
- Change their attitudes toward police and learn how to seek help in their community<sup>113</sup>

An evaluation of the program found that students benefited from it in several ways, including improved emotional and psychological functioning (e.g., feeling less nervous, having fewer thoughts of death), as well as improved attitudes toward and relationships with the police.<sup>114</sup> Another successful police-school partnership is discussed in the following Treating Delinquency Feature.

### Community-Based Policing Services

Some police departments are now replacing more aggressive measures with cooperative community-based efforts. Because police officers are responsible for caring for juveniles taken into custody, they must work closely with social service groups daily. In addition, the police are assuming a leadership role in identifying the needs



Youth gang and violence problems have given rise to many innovative police-led delinquency prevention programs. One of these is the Gang Resistance Education and Training (G.R.E.A.T.) program, which aims to reduce gang involvement. Partnering with schools across the country, trained police officers and other juvenile justice officials instruct students on conflict resolution, social responsibility, and the dangers of gang life. Pictured here is fifth grader David Vargas addressing fellow graduates of the G.R.E.A.T. program, all fourth and fifth graders from Munroe Elementary School in Denver, Colorado.

of children in the community and helping the community meet those needs. In helping to develop delinquency prevention programs, the police are working closely with youth service bureaus, schools, recreational facilities, welfare agencies, and employment programs.

Using community services for juveniles has many advantages. Such services allow young people to avoid the stigma of being processed by a police agency. They also improve the community's awareness of the needs of young people and make it possible to restrict court referrals to cases involving serious crimes. These are some of the goals of Police Working with Youth, a Connecticut program designed to increase positive youth development and positive police interactions with youth. An evaluation of the program found that participating youths with low levels of social and emotional competencies showed a range of improvements in these areas compared to a similar group of youths who did not participate in the program.<sup>115</sup>

Curfews represent another form of community-based policing service. Curfew laws vary concerning the locale affected, the time frame, and the sanctions. Most restrict minors to their homes or property between 11:00 p.m. and 6:00 a.m. Sanctions for curfew violations by youths range from fines to being charged with a misdemeanor violation. They may include participation in diversion programs or, in some jurisdictions, jail time for parents.

Curfew enforcement activities are implemented through regular law enforcement and special policing units. High-quality evaluation studies of the impact of juvenile curfew ordinances are limited. However, a recent assessment of the empirical evidence, including an evaluation of a curfew law in Charlotte, North Carolina, suggests that on their own, curfews are not effective in managing juveniles or reducing juvenile delinquency.<sup>116</sup> A systematic review of the existing empirical research on juvenile curfew laws reached the same conclusion.<sup>117</sup> The review also found that juvenile curfew laws had no lasting impact on reducing juvenile victimization, an important community justification for these laws. Based on this research and the fact that curfew enforcement is an inefficient use of police resources, there have been calls to abolish juvenile curfews.<sup>118</sup>

## Problem-Oriented Policing

Also referred to as problem-solving policing, problem-oriented policing involves a systematic analysis and response to the problems or conditions underlying criminal incidents rather than the incidents themselves.<sup>119</sup> The theory is that by attending

to the underlying problems that cause criminal incidents, the police will have a greater chance of preventing the crimes from reoccurring—the main problem with reactive or “incident-driven policing.”<sup>120</sup> However, as noted by Harvard criminologist Mark Moore, “This is not the same as seeking out the root causes of the crime problem in general. It is a much shallower, more situational approach.”<sup>121</sup>

The systematic nature of problem-oriented policing is characterized by its adherence to a four-step model, often referred to as S.A.R.A., which stands for Scanning, Analysis, Response, and Assessment. The four steps are as follows:

1. Scanning involves identifying a specific crime problem through various data sources (e.g., victim surveys, 911 calls).
2. Analysis involves in-depth analysis of the crime problem and its underlying causes.
3. Response brings together the police and other partners to develop and implement a response to the problem based on the results produced in the analysis stage.
4. Assessment is the stage in which the response to the problem is evaluated.<sup>122</sup>

Like community policing, problem-oriented policing is viewed as a proactive delinquency prevention strategy. Unlike community policing, however, the

## Focus on Delinquency

### Pulling Levers Policing

Closely related to problem-oriented policing, pulling levers policing is about activating or pulling every deterrent “lever” available to reduce the targeted delinquency problem. If it is juvenile gang violence, responses may include shutting down drug markets, serving warrants, enforcing probation restrictions, and making disorder arrests. Also important to this approach is communicating direct and explicit messages to offenders about the responses they can expect if this behavior is not stopped.

In a recent systematic review and meta-analysis of pulling levers policing, Anthony Braga and David Weisburd found that it is an effective approach to reducing a wide range of crime problems, including homicides, gang violence, gun assaults, and illegal drug possession. The review included 11 high-quality studies of programs from across the country, including Los Angeles, Chicago, Indianapolis, and Newark.

One of the most successful examples of this policing strategy is in Boston. Known as Operation Ceasefire, this program aims to reduce youth homicide victimization and youth gun violence. Although it is a police-led program, Operation Ceasefire involves many other juvenile, criminal justice, and social agencies. These include probation and parole, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), gang outreach and prevention street workers, and the Drug

Enforcement Administration (DEA). (Interagency cooperation is another key component of the pulling levers approach.) This group of agencies has become known as the Ceasefire Working Group.

The program has two main elements:

- A direct law enforcement focus on illicit gun traffickers who supply youth with guns
- An attempt to generate a strong deterrent to gang violence

A wide range of measures have been used to reduce the flow of guns to youth, including pooling the resources of local, state, and federal justice authorities to track and seize illegal guns and targeting traffickers of the types of guns most used by gang members. The response to gang violence has been equally comprehensive. The Ceasefire Working Group delivered its message clearly to gang members: “We’re ready, we’re watching, we’re waiting: Who wants to be next?” An example of how the Working Group communicated this message to gang members was with a poster, which was displayed throughout known gang areas in the city.

An evaluation from before the program started to the time it ended showed a 63% reduction in the mean monthly number of youth homicide victims across the city. The



engagement of the community in problem-oriented policing is not imperative, but more often than not these operations involve close collaborations with the community. Collaborations with other juvenile justice agencies, such as probation, are also common in problem-oriented policing operations.<sup>123</sup>

As you may recall, problem-oriented policing has effectively reduced juvenile delinquency in some circumstances.<sup>124</sup> Several successful practices resulted in the federal Community Oriented Policing Services (COPS) office initiating a national Problem-Solving Partnerships (PSP) program. The PSP would help police agencies to “solve recurrent crime and disorder problems by helping them form community partnerships and engage in problem-solving activities.”<sup>125</sup> Various case studies that emerged from a national evaluation of this program by the Police Executive Research Forum identified a wide range of successful efforts to reduce delinquency.<sup>126</sup> The COPS office also initiated a series of guides to aid police in addressing specific crime problems, with one focusing on underage drinking<sup>127</sup> and another on gun violence among serious young offenders.<sup>128</sup>

Closely related to problem-oriented policing is another strategy commonly referred to as “pulling levers policing.” It is described as a highly focused deterrence strategy that involves communicating direct and explicit messages to offenders about the responses they can expect if certain illegal behavior (e.g., gun violence) is not ceased.<sup>129</sup> One of the most successful applications of this policing strategy is Boston’s Operation Ceasefire,<sup>130</sup> which is discussed in the following Focus on Delinquency Feature.

program was also associated with significant decreases in the mean monthly number of gun assaults and overall gang violence across the city. In comparison with other New England cities and large cities across the United States, most of which also experienced a reduction in youth homicides over the same period, a significant reduction in youth homicides in Boston was found to be due to Operation Ceasefire.

Maintaining this program’s intensity level and the cooperation of the many agencies involved, which are essential ingredients of its success, has not been easy. In recent years, there have been cutbacks in local policing, fewer federal criminal justice resources made available to the program, and a perception that the deterrence strategy is no longer focused on the most dangerous suspects. Recent research suggests that for the program to maintain its success, it will also have to adapt to changes like gang and youth violence across the city.

The Los Angeles Operation Ceasefire took place in the Hollenbeck area, which suffers from exceptionally high rates of gang-related gun violence. Organized by 19 public and private agencies, it too was designed to send gang members the message that serious consequences would result for all gang members if they used guns. The researchers found that the intervention was most effective in reducing gun crimes during the suppression phase, with slightly smaller effects evidenced in the deterrence phase. As with

Boston, the long-term success of the Los Angeles initiative and those in other cities will depend on sufficient resources, continued collaboration among the many participating agencies, and the ability to adapt to changing conditions in gang behavior.

### Critical Thinking

1. What is the importance of having a multidisciplinary team as part of the pulling levers strategy?
2. It is often difficult to assess the independent effects of the different program elements with comprehensive programs. In your opinion, what is the most important element of Boston’s Operation Ceasefire? Why?

SOURCES: Andrew Papachristos and David Kirk, “Changing the Street Dynamic: Evaluating Chicago’s Group Violence Reduction Strategy,” *Criminology and Public Policy* 14:525–558 (2015); Anthony Braga, David Hureau, and Andrew Papachristos, “Deterring Gang-Involved Gun Violence: Measuring the Impact of Boston’s Operation Ceasefire on Street Gang Behavior,” *Journal of Quantitative Criminology* 30:113–139 (2014); Anthony Braga and David Weisburd, “The Effects of Focused Deterrence Strategies on Crime: A Systematic Review and Meta-Analysis of the Empirical Evidence,” *Journal of Research in Crime and Delinquency* 49:323–358 (2012); George Tita, K. Jack Riley, Greg Ridgeway, and Peter Greenwood, *Reducing Gun Violence: Operation Ceasefire in Los Angeles* (Washington, DC: National Institute of Justice, 2005); Anthony Braga, David Kennedy, Elin Waring, and Anne Morrison Piehl, “Problem-Oriented Policing Deterrence and Youth Violence: An Evaluation of Boston’s Operation Ceasefire,” *Journal of Research in Crime and Delinquency* 38:195–225 (2001); David Kennedy, “Pulling Levers: Chronic Offenders, High-Crime Settings, and a Theory of Prevention,” *Valparaiso University Law Review* 31:449–484 (1997).

Today, many experts consider delinquency prevention efforts to be crucial to developing a comprehensive approach to youth crime. Although such efforts cut across the entire juvenile justice system, police programs have become increasingly popular.

## Future of Juvenile Policing

Many challenges confront the police response to juvenile offending today and will continue to do so in the future. Witness intimidation, charges of racial profiling, poor relations with communities of color and young people distrustful of the police, and the role of spectators in police–citizen interactions are some of the key challenges.<sup>131</sup> The police are making progress in dealing with many of these and other challenges. In the years ahead, it will be even more important for the police to implement greater transparency in their operations, be more accountable to those they serve, especially young people, and exercise a greater degree of fairness or procedural justice in arresting juvenile offenders and handling them after arrest. It is very likely that future success in controlling and preventing juvenile offending will depend even more on these factors.

Increasingly, the police are also turning to various forms of surveillance technology, such as closed-circuit television (CCTV) and body-worn cameras, to deter juvenile and other crime in public places. Today, almost one-third of local police departments across the country now use body-worn cameras.<sup>132</sup> Although evaluations have shown CCTV systems to be rather ineffective in reducing crime, real-time communication links between police and CCTV operators and their use in high-crime areas may improve effectiveness.<sup>133</sup> The latest research on body-worn cameras suggests that they can effectively reduce citizens' complaints against the police.<sup>134</sup>

As we have seen throughout this chapter, some new approaches to policing juvenile delinquency show promising results in reducing serious offenses, such as gang activity and gun crimes. These include community-based policing services, police in schools, and—one of the most successful approaches—problem-oriented policing. Versions of Operation Ceasefire in Boston, which brought together a broad range of juvenile justice and social agencies and community groups and produced substantial reductions in youth violence, are now being replicated in other cities across the country. With the research evidence demonstrating that targeted problem-solving policing strategies of this type are the most effective in reducing serious urban crime problems,<sup>135</sup> continued use of these strategies holds much promise in maintaining record low rates of juvenile violence.

## Summary

### **LO1** Identify key historical events that have shaped juvenile policing in America today

- Modern policing developed in England at the beginning of the nineteenth century.
- The Industrial Revolution recognized the need to treat children as a distinguishable group, many of whom were growing up in homes with unemployed parents; others were homeless.

### **LO2** Describe police roles in dealing with juvenile offenders

- The role of juvenile officers is similar to that of officers working with adult offenders: to intervene if the actions of a citizen produce public danger or disorder.

- Juvenile officers must also have a thorough knowledge of the law, especially the constitutional protections available to juveniles.
- Juvenile officers operate either as specialists in a police department or as part of the juvenile unit of a police department.
- The organization of juvenile work depends on the police department's size, the community where the department is located, and the amount and quality of resources available in the community.

### **LO3** Set out the elements of what makes up police legitimacy

- Police legitimacy means that officers carry out their duty and are perceived as having legitimate

authority, are unbiased in their daily activities, are caring and courteous, honest and trustworthy.

- Community members, including young people, are more likely to aid the police and obey the law when they view the police as legitimate.
- There is an emphasis on procedural justice, which refers to the belief that police must be fair, unbiased, transparent, and impartial to be effective.
- Research shows that the path to legitimacy with youth runs through such avenues as improving the perception that police officers are both neutral and impartial.
- Teens who experience violence, who have run-ins with police, and who associate with delinquent peers are the ones who question police legitimacy.

#### **LO4** Discuss key legal aspects of police work, including search and seizure and custodial interrogation, and how they apply to juveniles

- The U.S. Supreme Court has established that police may stop a suspect and search for evidence without a warrant under certain circumstances.
- Through the *Miranda v. Arizona* decision, the Supreme Court established a clearly defined procedure for custodial interrogation.
- Most courts have held that the Fourth Amendment ban against unreasonable search and seizure applies to juveniles and that illegally seized evidence is inadmissible in a juvenile trial.
- Most courts have concluded that parents or attorneys need not be present for children effectively to waive their right to remain silent.

#### **LO5** Describe police use of discretion and factors that influence discretion

- Discretion is a low-visibility decision made in adult and juvenile justice administration.
- Discretionary decisions are often made without guidelines from the police administrator.
- Numerous factors influence the decisions police make about juvenile offenders, including the seriousness of the offense, the harm inflicted on the victim, and the likelihood that the juvenile will break the law again.
- Research does show that police use personal discretion when they decide what to do with a juvenile offender?
- Police officers may be influenced by their perception of community mores and values.
- The policies and customs of the local police department also influence decisions. Some may feel pressured to make more arrests or to be overly lenient.
- Various situational factors affect a police officer's decisions, including the suspect's dress,

demeanor, speech, and level of hostility toward the police.

- Other factors include the type and seriousness of the offense, the offender's attitude, the offender's prior contacts with the police, and the likelihood that an agency in the community can serve a child.

#### **LO6** Articulate how bias can influence discretion

- Discretion is essential in providing individualized justice.
- Problems with discretion include discrimination, unfairness, and bias toward particular groups of juveniles.
- The weight of the empirical evidence is that institutional bias is found in the justice system and this bias produces racial, gender, and class differences in delinquency.
- Numerous studies find that as victims of racial profiling, citizens of color are more likely to be stopped and frisked than a member of the white majority.
- Some research supports various forms of gender bias.

#### **LO7** Appraise the major policing strategies to prevent delinquency

- Police use several different strategies to reduce or eliminate delinquency.
- Innovation in policing strategies can address the ever-changing nature of juvenile delinquency.
- Tailoring policing activities to local conditions and engaging the community and other stakeholders show promise in reducing delinquency.
- Some use aggressive law enforcement techniques such as high visibility patrols; making arrests for minor and serious infractions; stopping and frisking. The idea is to deter delinquents from crime.
- Many departments employ school resource officers to reduce crime in schools. Some collaborate with school staff to create a safer school environment and develop programs.
- Problem-oriented policing strategies involve identifying social and community problems that promote delinquency and formulating solutions. This process often involves cooperation with community service agencies and other juvenile justice agencies.
- Maintaining the level of intensity and cooperation of the many agencies involved in problem-oriented policing strategies, which are essential to their success, is not easy and requires sustainable funding.
- Community-policing strategies feature involvement in local citizen groups and creating cooperative police-community relationships to combat delinquent behavior.

## Key Terms

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pledge system, p. 482  
watch system, p. 482  
juvenile officers p. 486  
role conflicts p. 486  
informant, p. 487  
community policing, p. 487  
police legitimacy p. 488

procedural justice p. 488  
arrest, p. 490  
probable cause, p. 490  
search and seizure, p. 491  
custodial interrogation p. 492  
*Miranda v. Arizona*, p. 492  
*Miranda* warning, p. 492

totality of the circumstances doctrine  
p. 493  
*Fare v. Michael C.* and *California v. Prysock*, p. 494  
discretion, p. 494  
racial profiling p. 497  
problem-oriented policing p. 500

## Questions for Discussion

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1. The term *discretion* is often defined as selective decision making by police and others in the juvenile justice system who are faced with alternative modes of action. Discuss some of the factors affecting the discretion of the police when dealing with juvenile offenders.
2. What role should police organizations play in delinquency prevention and control? Is it feasible to expect police departments to provide social services to children and families? How should police departments be better organized to provide for the control of juvenile delinquency?
3. What qualities should a juvenile police officer have? Should a college education be a requirement?
4. In light of the traditional and protective roles assumed by law enforcement personnel in juvenile justice, is there any reason to have a *Miranda* warning for youths taken into custody?
5. Can the police and community effectively form a partnership to reduce juvenile delinquency? Discuss the role of the juvenile police officer in preventing and investigating juvenile crime.
6. The experience of Boston's successful Operation Ceasefire program suggests that it may be difficult to sustain the intensity and problem-solving partnerships needed to keep violent juvenile crime under control over the long term. What other innovative problem-oriented policing measures could be employed to achieve this goal?

## Viewpoint

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You are a newly appointed police officer assigned to a juvenile unit of a medium-sized urban police department. Wayne is an 18-year-old white male who was caught shoplifting with two male friends of the same age. He attempted to leave a large department store with a \$25 shirt and was apprehended by a police officer in front of the store.

Wayne seemed quite remorseful about the offense. He said several times that he didn't know why he did it and that he had not planned to do it. He seemed upset and scared and did not want to go to court while admitting the offense. Wayne had three previous contacts with the police as a juvenile: one for malicious mischief when he destroyed some property, another involving a minor assault on a boy, and a third involving another shoplifting charge. In all three cases, Wayne promised to refrain from ever committing such acts again and, as a result, was not required to go to court. The other shoplifting incident involved a baseball worth only \$3.

Wayne appeared at the police department with his mother. His parents are divorced. The mother did not seem overly concerned about the case and felt that her son was not really to blame. She argued that he was always getting in trouble and was unsure how to control him. She blamed most of his troubles with the law on his being in the wrong crowd. Besides, a \$25 shirt was "no big deal," and she offered to pay back the store. The store has left matters in the hands of the police and would support any decision you make.

Deciding what to do in a case like Wayne's is routine for most police officers. When dealing with juveniles, they must consider not only the offense's nature but also the juvenile's needs. Police officers realize that actions they take can have a long-term effect on an adolescent's future.

- Would you submit Wayne's case for prosecution, release him with a warning, or use some other tactic?
- Should police officers be forced to act as counselors for troubled youth?



# Doing Research on the Web

Before you answer these questions, do some research at these police websites. The International Association of Chiefs of Police (<http://www.theiacp.org/>) aims to foster cooperation and the exchange of information and experience among police leaders and police organizations.

The Police Foundation's (<http://www.policefoundation.org/>) goal is to help the police be more effective in doing their job, whether it is in deterring robberies, intervening in potentially injurious family disputes, or

working to improve relationships between the police and the communities they serve.

The Police Executive Research Forum (PERF) (<http://www.policeforum.org/>) is a national membership organization of progressive police executives from the largest city, county, and state law enforcement agencies.

The Office of Community Oriented Policing Services (COPS) (<http://www.cops.usdoj.gov/>), within the U.S. Department of Justice, advances the practice of community policing in America's state, local, and tribal law enforcement agencies.

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# 14

# Juvenile Court Process: Pretrial, Trial, and Disposition

## Learning Objectives

- 1** Discuss the roles and responsibilities of the main players in the juvenile court
- 2** Identify key issues of the pre-adjudicatory stage of juvenile justice, including detention, intake, diversion, pretrial release, plea bargaining, and waiver
- 3** Compare the pros and cons of transferring youths to adult court
- 4** Explain key issues of the trial stage of juvenile justice, including constitutional rights of youths and disposition
- 5** Appraise the major U.S. Supreme Court decisions that have influenced the handling of juveniles at the pre-adjudicatory and trial stages
- 6** Discuss the most common dispositions for juvenile offenders
- 7** Compare the pros and cons of confidentiality in juvenile proceedings and privacy of juvenile records

## Chapter Outline

### The Juvenile Court

Court Case Flow

### The Juvenile Defense Attorney

The Effectiveness of Legal Representation  
Public Defender vs. Court Appointed Attorney  
Alternative Forms of Legal Aid

### The Juvenile Court Prosecutor

Prosecutors Today

### The Juvenile Court Judge

### Pre-Trial Process

Detention  
Bail  
Diversion  
Petition  
Intake  
The Plea and Plea Bargaining

### Waiver: Transfer to the Adult Court

Waiver Procedures  
Due Process in Transfer Proceedings  
Legal Controls  
The Effect of Transfers  
Should Any Youth Be Waived?  
In Support of Waiver

### Juvenile Court Trial

Constitutional Rights at Trial  
Disposition  
Juvenile Sentencing Structures  
The Death Penalty for Juveniles  
Life Without Parole  
The Child's Right to Appeal  
Confidentiality in Juvenile Proceedings

### Future of the Juvenile Court

## Chapter Features

**Professional Spotlight:** Lamont Christian Berecz

**International Delinquency:** Precourt Diversion  
Programs Around the World

**Focus on Delinquency:** In Re Gault

**International Delinquency:** Sentencing  
Practices around the World

**John Boyd** was arrested at age 15 for robbery and rape. His victim, a young neighborhood girl, was badly injured in the attack and needed extensive hospitalization; she is now in counseling. She identified John to the investigating officers whom she recognized from the neighborhood. The police then obtained a warrant, searched his home, and found the victim's jewelry and other objects that left no doubt of his culpability in the crime.

Even though the charges were serious, because of his age, John could still have been subject to the jurisdiction of the juvenile division of the state family court. However, the juvenile court prosecutor filed a petition to waive jurisdiction and send the case to the adult court. Under existing state law, a hearing must then be held to determine (1) whether there is sufficient evidence to show that John cannot be successfully treated in the juvenile justice system and (2) if not, there is sufficient evidence supporting his transfer to the adult system.

At the waiver hearing, the prosecution presented evidence that John was the oldest of three siblings living in a single-parent home. He had had no contact with his father for more than 10 years. His psychological evaluation showed hostility, anger toward females, and great feelings of frustration. His intelligence is below average, and his behavioral and academic records are poor. In addition, he seemed to be involved with a local youth gang, although he denied being a member. John is also physically imposing; though he's only 15 years old, he is over six feet tall and heavily muscled.

This instance is not John's first formal involvement with the juvenile court. The previous contact involved a complaint for disorderly conduct at age 13, which the court's intake department dismissed, and two other incidents involving assault and battery in which John beat a younger boy causing severe bruising and a knee injury. The court put him on probation for each offense.

At the waiver hearing, when asked to speak, John verbalized superficial remorse for his past offenses. In rebuttal, the prosecutor claimed that John seemed to be a youth with poor control who was likely to commit future crimes. The prosecution submitted evidence of the rape, including photos of a badly beaten victim who lost an eye



in the attack. His court-appointed defense attorney argued that effective treatment opportunities within the juvenile justice system could meet John's needs. Her view was supported by an evaluation of the case the court's probation staff conducted. It concluded that the case could be dealt with in the confines of juvenile corrections.

After both the prosecution and the defense rested their case, the judge, considering the seriousness of John's crimes, the effect on the victim, the absence of family support, and the likelihood of repeat violent behavior, ordered that John be waived to the adult court for trial. At trial, John is convicted of rape in the first degree and robbery in the second degree. If the case had remained in the juvenile court, John might have been kept in custody in a juvenile facility until age 18. However, now tried as an adult, he is sentenced to 20 years for the rape and 10 for the robbery, the sentences to run consecutively. Under state law, he will be eligible for parole, having served 85% of his sentences, more than 25 years behind bars, or even more if denied parole. John will be sent to a juvenile facility until age 18 and then transferred to a maximum security adult prison to serve the remainder of his sentence.

If you were the judge, would you have authorized a waiver to adult court or kept the case in the juvenile justice system? After all, can 15-year-olds truly understand the seriousness of their behavior? Should the juvenile court judge have considered John's troubled background before waiving him to adult court, or should she have focused on protecting the community from a dangerous offender?

Cases like John Boyd's draw the ire of many and rekindle the debate over whether the juvenile court should be abolished or, conversely, have its jurisdiction expanded and funding increased. Because of the heinous nature of his crime, John was transferred to adult court. Some argue that this case shows exactly how the juvenile court should operate. That is, transfer the most violent juvenile offenders to the adult system, house repeat offenders in secure juvenile facilities, and provide specialized community-based treatment for minor offenders who present no danger to the community.

Because the judicial process is one of the most critical points in the juvenile justice process, it is covered here in some detail. We begin with a discussion of the juvenile court and its jurisdiction. We then turn to issues involving the pre-adjudicatory stage of juvenile justice: detention, intake, diversion, pretrial release, plea bargaining, and waiver. The trial stage is examined next, looking at the child's rights at trial—particularly those rights dealing with counsel and trial by jury—through a detailed analysis of U.S. Supreme Court decisions. We also review procedural rules that govern the adjudicatory and dispositional hearings. We conclude with a discussion of dispositional alternatives and trends in sentencing.

## The Juvenile Court

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Some county jurisdictions in today's juvenile justice system process delinquency cases in an independent juvenile court.<sup>1</sup> In other counties, especially where case flow is not sufficient to justify an independent juvenile court, delinquency and status offense cases are handled as part of a comprehensive county court that handles both adult and juvenile cases, typically at different times or on separate days. Some counties include juvenile cases as part of the probate or surrogate court. These are usually courts of special jurisdiction that handle wills, estate administration, and minors guardianships. Some jurisdictions separate status offenses and delinquency, trying one in county court and the other in family court. Family courts have broad jurisdiction over various personal and household problems, including paternity, child support, and custody issues. The major advantages of such a system are that it can serve sparsely populated areas, permits judicial personnel and others to deal exclusively with children's matters, and obtains legislative funding more readily than other court systems. In sum, no standard is available for administering juvenile cases within and between states.

Where they do exist, typically in large, highly populated counties, the independent juvenile court is a specialized court for children designed to promote the rehabilitation of youths within a framework of procedural due process. It is concerned with acting both in the child's best interest and in the best interest of public protection, two often-incompatible goals.

## Court Case Flow

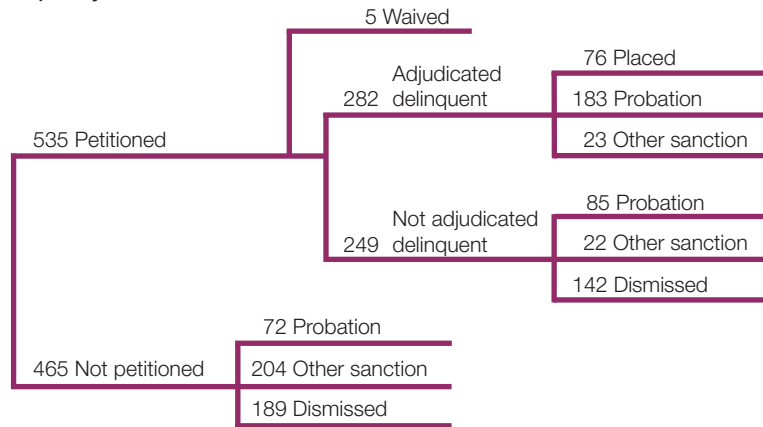
Juvenile court cases peaked in 1997 when about 1.5 million cases were heard. A continuous decline in juvenile court processing has occurred since then, coinciding with the decline in juvenile arrests and the reliance on alternative pre-trial programs. The most recent data show that courts with juvenile jurisdiction try about 720,000 delinquency cases each year, or about 2,000 a day; that is half the number of cases processed 25 years ago, despite a sizable population increase. Nor is this decline unique to one type of delinquent act; the number of cases decreased for all offense categories: property, 65%; public order, 59%; drugs, 47%; and person, 45%.<sup>2</sup>



There were distinct gender- and race-based differences in the juvenile court population. Today, males are involved in about 75% of delinquency cases. The gender ratio gap has remained constant because the average annual decrease in the male and female delinquency caseloads has been very similar for all offense types. Between their respective peaks, the male delinquency caseload declined 63%, and the female caseload dropped 68%.

White youth today make up about 43% of the juvenile court caseload, African American youth 35%, Hispanic 19%, and American Indian 1%, with Asian youth making up the rest at 1%. Each group has experienced an equally steep decline in juvenile court case processing; delinquency cases have declined 60% for Asian youth and White youth, 53% for Black youth, 48% for Hispanic youth, and 46% for American Indian youth. Figure 14.1 illustrates the flow of cases in the juvenile court process.

Case flow for a typical 1,000 delinquency cases



Case flow for 722,600 delinquency cases

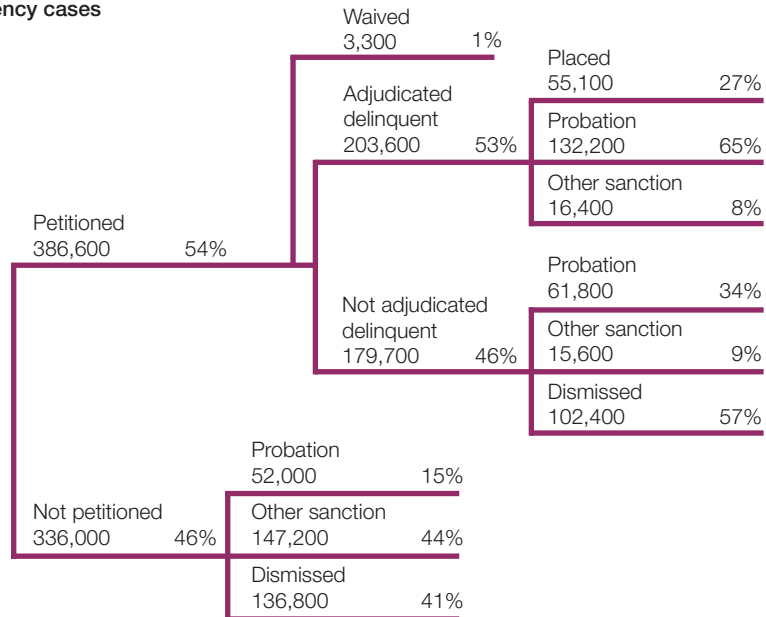


Figure 14.1

## Juvenile Court Case Flow

SOURCE: Sarah Hockenberry, Delinquency Cases in Juvenile Court, 2019, Washington, D.C., Office of Juvenile Justice and Delinquency Prevention, 2022), <https://ojjdp.ojp.gov/publications/delinquency-cases-2019.pdf>

Though their numbers are diminishing, hundreds of thousands of youth are petitioned to juvenile court each year. The central characters in the juvenile court process—defense attorneys, prosecutors, and judges—are described below.

## LO1

Discuss the roles and responsibilities of the main players in the juvenile court

### juvenile defense attorney

Represents children in juvenile court and plays an active role at all stages of the proceedings.

## The Juvenile Defense Attorney

Due to a series of Supreme Court decisions, a delinquent youth's right to have counsel at state trials has become a fundamental part of the juvenile justice system.<sup>3</sup> Today, courts must provide counsel to indigent defendants who face the possibility of incarceration. The rules of juvenile justice administration have become extremely complex, and so has the attorney's role. Preparation of a case for juvenile court often involves a detailed investigation of a crime, knowledge of court procedures, use of rules of evidence, and skills in trial advocacy. The right to counsel is essential if children are to have a fair chance of presenting their cases in court.<sup>4</sup>

In many respects, the role of a **juvenile defense attorney** is similar to the criminal and civil areas. Defense attorneys representing children in the juvenile court play an active and important part in virtually all stages of the proceedings. The defense attorney helps clarify jurisdictional problems and to decide whether there is sufficient evidence to warrant filing a formal petition. The defense attorney helps outline the child's position regarding detention hearings and bail and explores the opportunities for the informal adjustment of the case. If no adjustment or diversion occurs, the defense attorney represents the child at adjudication, presenting evidence and cross-examining witnesses to see that the child's position is made clear to the court. Defense attorneys also play a critical role in the dispositional hearing. They present evidence bearing on the treatment decision and help the court formulate alternative plans for the child's care. Finally, defense attorneys pursue any appeals from the trial, represent the child in probation revocation proceedings, and generally protect the child's right to treatment.

## The Effectiveness of Legal Representation

The effectiveness of legal counsel in juvenile court is quite complex. For one thing, to receive effective participation by the juvenile defendant, they must understand the lawyer's advocacy role and the confidential nature of the attorney-client relationship.<sup>5</sup> There is also a need to improve the competency of juvenile defense attorneys and overcome some of the time constraints they face in case preparation. With juvenile offenders facing the prospect of much longer sentences, mandatory minimum sentences, and time in adult prisons, the need for quality defense attorneys for juveniles has never been greater.

Does representation in juvenile court really matter? It does, but not in the way that might be predicted. Evidence suggests that youths who cannot afford a private attorney and who refuse one appointed by the court and therefore not represented by legal counsel are more likely to have the charges dismissed than youth with similar situations but who are represented by an attorney.<sup>6</sup>

Legal representation's negative outcome is especially significant for children of color, whose sentences are significantly enhanced when a court-appointed attorney represents them.<sup>7</sup> In fact, growing evidence shows that legal representation—next to an extensive prior record—is the strongest predictor of an out-of-home placement in a juvenile correctional facility.<sup>8</sup>

How can we explain this unusual association—having a lawyer leads to more severe sanctions—the so called “lawyer penalty”?<sup>9</sup> After all, the Supreme Court's

ruling that juveniles are entitled to a lawyer at trial was predicated on the belief that having legal representation would help courts adjudicate youth rather than cause them harm.

Several possible reasons explain this outcome. One is that juvenile court attorneys are not prepared for representing delinquents. Nor does the presence of an attorney make the police more vigilant, and as a result, more likely to produce damaging evidence.<sup>10</sup> It could be that delinquency cases are pre-judged before trial based on the seriousness of the adolescent's current behavior and any prior record. Knowing that teens with that background stand a good chance of being found delinquent and sent to a secure facility, the juvenile court judge ensures that these defendants have lawyers. This is to avoid later appeals citing a lack of adequate representation. In contrast, if a juvenile has been petitioned to court for a minor offense, such as first-time shoplifting, the judge or other court personnel may informally counsel the youth or their family not to seek legal representation. Since they know in advance that it is a petty offense and that the youngster will merely be issued a warning, why spend the tax payers money on legal representation? Judges may also resent juveniles who demand an attorney. Such a request signals that they mistrust the juvenile court process and need someone to protect their interests. Whatever the reason, the weight of the evidence shows that kids with legal representation get harsher treatment than those who waive their right.

## Public Defender vs. Court Appointed Attorney

Despite the negative outcomes (of which they may not be aware) many youths ask for and get legal representation. To satisfy the requirement that indigent children be provided with counsel, the federal government and the states have expanded **public defender** services.

The public defender program is a statewide program established by legislation and funded by the state government to provide counsel to children at public expense. This program allows access to the expertise of lawyers, who spend considerable time representing juvenile offenders daily.

Research indicates that having a public defender produces some positive outcomes for their young clients, obtaining less punitive and more treatment-oriented outcomes than any other type of legal representation, such as a private paid-for attorney.<sup>11</sup> These positive outcomes are not only gained in juvenile court but accrue if the case is waived to criminal court.<sup>12</sup> However, having a private attorney is more likely to result in a finding of non-delinquent. It is possible that the timing of when legal representation is assigned to a case significantly impacts this outcome. Research by Caitlin Brady and Jennifer Peck found that private attorneys are typically hired early in the process and have to prepare an argument that leads to the youth not being adjudicated. In contrast, public defenders may not be assigned to a case until right before the hearing. Therefore, they have less time to prepare arguments, causing them to be more likely to plea bargain the case resulting in more findings of delinquency when compared to private attorneys.<sup>13</sup>

In rural areas, where individual public defender programs are not available, defense services are offered through court-appointed local lawyers who place their names on an attorney list. When chosen, these lawyers receive compensation from the county for their time and services.

The weakness of the attorney list system is that some lawyers who volunteer their services are newly minted, trying to build up their practice, and motivated by the opportunity to get actual court room experience. Highly compensated veteran attorneys may be less motivated to sign up for juvenile court cases that provide relatively little compensation. In addition, private attorneys compensated by the

### public defender

An attorney who works in a public agency or under private contractual agreement as defense counsel to indigent defendants.

state may view the court as their “real” client rather than the juvenile offender who is their actual client. Might they not be in danger of losing this valuable source of income if they make a rigorous defense and thereby call into question the actions of the police, prosecutor, and judge? It comes as no surprise that research shows that many juvenile offenders do not trust their court-appointed lawyers.<sup>14</sup> After all, they work for the “system” and, consequently, might share information with the judge, police, or others.<sup>15</sup>

## Alternative Forms of Legal Aid

### **guardian ad litem**

A court-appointed attorney who protects the interests of the child in cases involving the child’s welfare.

In addition to defense lawyers, juveniles may also be represented by other forms of legal aid. In some cases, the court may appoint a **guardian ad litem**.<sup>16</sup> The guardian *ad litem*—who ordinarily are appointed to represent underage juveniles in abuse, neglect, and dependency cases—may be assigned in delinquency cases where there is a question of a need for a particular treatment (such as placement in a mental health center or substance abuse clinic), and offenders and their own defense attorneys resist placement. The guardian *ad litem* may advocate for the commitment because it is in the child’s best interests. This position fulfills many roles, ranging from legal advocate to concerned individual who works with parents and human service professionals in developing a proper treatment plan that best serves the interests of the minor child.<sup>17</sup>

### **Court Appointed Special Advocates (CASA)**

Volunteers, appointed by judges, who work in conjunction with child protective services, to meet the needs of abused and neglected children to ensure their safety and find them suitable permanent or temporary homes.

Another type of legal representation found in juvenile court are members of the **Court Appointed Special Advocates (CASA)** organization. These are volunteers are appointed by judges to advocate for the best interests of abused and neglected children. This organization employs volunteers who advise the juvenile court about child placement. The CASA programs (*casa* is Spanish for “home”) have demonstrated that volunteers can investigate the needs of children and provide vital links among the judge, the attorneys, and the child in protecting the juvenile’s right to a safe placement.<sup>18</sup>

## The Juvenile Court Prosecutor

### **juvenile prosecutor**

Government attorney responsible for representing the interests of the state and bringing the case against the accused juvenile.

The **juvenile prosecutor** is the attorney responsible for bringing the state’s case against the accused juvenile. Depending on the level of government and the jurisdiction, the prosecutor can be called a district attorney, a county attorney, a state attorney, or a U.S. attorney. Prosecutors are bar members selected for their positions by political appointment or popular election.

Ordinarily, the juvenile prosecutor is a staff member of the prosecuting attorney’s office. If the district attorney’s office is of sufficient size, the juvenile prosecutor may work exclusively on juvenile and other family law matters. If the caseload of juvenile offenders is small, the juvenile prosecutor may also have criminal prosecution responsibilities.

## Prosecutors Today

For the first 60 years of its existence, the juvenile court did not include a prosecutor because the concept of an adversarial process was inconsistent with the treatment philosophy. The court followed a social service helping model and believed that informal proceedings were in the child’s best interests. Today, in a more legalistic juvenile court, almost all jurisdictions require by law that a prosecutor be present in the juvenile court.

Several states have passed legislation giving prosecutors control over intake and waiver decisions. Some have passed concurrent-jurisdiction laws that allow prosecutors to decide in which court to bring serious juvenile cases. In some



jurisdictions, the prosecutor, not the juvenile court judge, is entrusted with deciding whether to transfer a case to adult court. Consequently, the role of the juvenile court prosecutor is now critical in the juvenile justice process. Including a prosecutor in juvenile court balances the interests of the state, the defense attorney, the child, and the judge, preserving the independence of each party's functions and responsibilities.

The prosecutor has the power either to initiate or to discontinue delinquency or status offense allegations. Like police officers, prosecutors have broad discretion in the exercise of their duties. Because due process rights have been extended to juveniles, the prosecutor's role in the juvenile court has, in some ways, become similar to the prosecutor's role in the adult court.

Because the courts have granted juveniles constitutional safeguards, the prosecutor will likely play an increasingly significant role in the juvenile court system. The prosecutor's involvement will promote a due process model that should result in a fairer, more just system for all parties. To do so, prosecutors will need more information on identifying repeat offenders, determining which programs are most effective, knowing how early-childhood experiences relate to delinquency, and knowing what measures to use in place of secure placements without reducing public safety.<sup>19</sup>

Today, prosecutors are addressing the problems associated with juvenile crime. A balanced approach has been recommended—one that emphasizes enforcement, prosecution, and detention of serious offenders and using proven prevention and intervention programs.<sup>20</sup> Prosecutors are also engaged in collaborations with schools and other local social institutions to help prevent juvenile delinquency.<sup>21</sup>

## The Juvenile Court Judge

Even with the elevation of the prosecutor's role, the **juvenile court judge** is still the central character in a court of juvenile or family law. The responsibilities of this judge have become far more extensive and complex in recent years. (See Exhibit 14.1 for duties of the juvenile court judge.)

In addition, judges often have extensive influence over other agencies of the court: probation, the court clerk, the law enforcement officer, and the office of the juvenile prosecutor.<sup>22</sup> Juvenile court judges exercise considerable leadership in developing solutions to juvenile justice problems. In this role, they must respond to the community's pressures on juvenile court resources. According to the *parens patriae* philosophy, the juvenile judge must ensure that the necessary community resources are available so that the children and families who come before the court can receive the proper care and help.<sup>23</sup> This role may be the most untraditional for the juvenile court judge, but it may also be the most important.

### juvenile court judge

A judge elected or appointed to preside over juvenile cases and whose decisions can only be reviewed by a judge of a higher court.

### Exhibit 14.1

#### Duties of the Juvenile Court Judge

- Rule on pretrial motions involving such legal issues as arrest, search and seizure, interrogation, and lineup identification
- Make decisions about the continued detention of children before trial
- Make decisions about plea bargaining agreements and the informal adjustment of juvenile cases
- Handle trials, rule on the appropriateness of conduct, settle questions of evidence and procedure, and guide the questioning of witnesses
- Assume responsibility for holding dispositional hearings and deciding on the treatment accorded the child
- Handle waiver proceedings
- Handle appeals where allowed by statute

# Professional Spotlight

## Lamont Christian Berezcz



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Lamont Christian Berezcz served as a juvenile court judge assigned to the Ada County Juvenile Court Services in Boise, Idaho. Judge Berezcz decided to work in the juvenile justice system because of its vast potential to impact society positively. He often tells people that the

juvenile courts are one of the few places in the criminal justice system where you can see hope. He believes that in dealing with adult offenders, you also hope for change, but juveniles are at such a vital stage of their lives that if you can reach them now, you can greatly affect their futures.

Judge Berezcz prepared for his juvenile court career by getting an undergraduate degree and then a law degree at the University of Virginia. After his first year of law school, he interned in a prosecuting attorney's office over the summer and was assigned to the juvenile division. That exposure to juvenile justice opened his eyes to the possibilities and challenges of working with troubled youth within the legal system.

After law school, he served as a prosecutor for several years before taking the bench as a juvenile court judge. While his study of the law prepared him for the legal aspects of his job, Judge Berezcz says that his experience working with kids over the years was a vital component of his success as a juvenile court judge.

What does Judge Berezcz feel is the most rewarding part of serving as a juvenile court judge? He says it is seeing kids change for the better. To see a child from a dysfunctional home or abusive past turn the corner and begin to realize their potential is what keeps him going in this line of work. Not all of the juveniles he sees take advantage of the services, programs, and accountability the juvenile court

provides, but the ones who do bring him the most reward and satisfaction.

According to how he sees it, the biggest challenge in juvenile court is dealing with the emotional toll that comes from daily seeing the heartache, trauma, neglect, and failure surrounding so many juvenile offenders. Parents often present quite a challenge as well. He has seen cases where a parent started their child on drugs, abandoned them, or otherwise sabotaged the juvenile's future. On the other end of the spectrum, some parents view their child as a victim, instill a sense of entitlement, and resist efforts to hold their child accountable. Nevertheless, Judge Berezcz finds that he must engage the family and their unique challenges in impacting that child for positive change.

Judge Berezcz finds that a common misconception about being a juvenile court judge is that it is some sort of power trip and judges enjoy too much authority. Quite the contrary, he finds that being a judicial officer is a grave responsibility that, at times, can weigh heavily. He says that it is not always easy to be the final word. On the other hand, he adds, judges have the opportunity to implement great change. Judge Berezcz believes that successful judges in juvenile justice view their position as a sacred trust given to them by the people in their community.

Judge Berezcz now serves as a district judge in Sandpoint, Idaho, presiding over felony criminal cases and civil matters. His time as a juvenile judge still informs his approach on the bench. In his view, the restorative justice approach used in most juvenile cases also would make sense for many adult offenders. That is, with juveniles, the focus is on reducing the risk of recidivism and striving to see the young people who come before the court become productive community members. Adult defendants have many of the same challenges and struggles prevalent in juveniles. Consequently, a similar judicial approach—focusing on criminogenic needs; identifying strengths and weaknesses; addressing family structures, substance abuse, mental health, and holding defendants accountable—often yields positive outcomes for the community and the defendant.

In some jurisdictions with independent juvenile courts, the presiding judge handles youth-related cases exclusively. In others, they preside over criminal and civil cases as well. The National Council of Juvenile and Family Court Judges took up this issue as part of a larger effort to improve juvenile courts. They recommended that “Juvenile delinquency court judges should have the same status as the highest level of trial court in the state and should have multiple year or permanent assignments.”<sup>24</sup>

## Pre-Trial Process

Now that we have briefly described the setting of the juvenile court and the major players who control its operations, we turn to a discussion of the procedures that shape the contours of juvenile justice, starting with the pretrial process. Many critical decisions are made at this stage in the juvenile justice system. Should youths be detained or released to the community in the custody of parents or guardians? Should they be treated as minor children or waived to the adult court, where they will be treated adults? Should they be treated in the community or sent to a secure treatment center? Should their case be kept in the juvenile court, or can they be diverted to a social service agency? Is an accommodation possible to terminate the case and enroll the minor in a treatment program or arrange for them to make restitution to the victim?

Before a trial can take place, there may also be pretrial hearings where evidence is exchanged between prosecution and defense as part of the discovery process. The court may ask for an update on the defendant’s behavior: Are they attending school; have they been in further trouble with the law? A good conduct report can influence whether the case proceeds to adjudication or can be settled beforehand. The defense may ask for a copy of all pertinent evidence, including police reports, witness statements, school information, and so on. If either side refuses to provide discovery evidence, the judge can hold a formal discovery hearing to determine whether the minor is entitled to a particular item of evidence. Failure to comply with or respond to a lawfully served subpoena can result in a bench warrant being issued for the custodian of record.

Typically, the youth’s first appearance in juvenile delinquency court is at the detention hearing. There, the juvenile learns about the charges in the petition, and the judge decides whether to release the minor from custody. These processes are described in detail below.

## Detention

After a child has been taken into custody and a delinquency petition filed with the court, a decision must be made to either release the child into parental custody or detain the child in the state’s temporary care in physically restrictive facilities, pending court disposition or transfer to another agency.

**Detention** can be a traumatic experience because many facilities are prisonlike, with locked doors and barred windows. Consequently, most experts in juvenile justice advocate that detention be limited to alleged offenders who require secure custody to protect themselves and others. However, children who are neglected and dependent, runaways, and those who are homeless may, under some circumstances, be placed in secure detention facilities along with violent and dangerous youths until more suitable placements can be found.<sup>25</sup> Others have had a trial but have not been sentenced or are awaiting the imposition of their sentence. Some may have violated probation and are awaiting a hearing while being kept alongside severely mentally ill adolescents for whom no appropriate placement can be found. Another group is adjudicated delinquents awaiting admittance to a correctional training school.<sup>26</sup> Consequently, it is possible, but not common, for nonviolent status offenders who have run away

### LO2

Identify key issues of the pre-adjudicatory stage of juvenile justice, including detention, intake, diversion, pretrial release, plea bargaining, and waiver

### Detention

Temporary care of a child alleged to be delinquent who requires secure custody in physically restricting facilities pending court disposition or execution of a court order.

repeatedly from less secure facilities, or have violated a legitimate court order, to be housed in the same facility with delinquents who have committed felony-type offenses.

A study of child detention centers in New Jersey found that one out of every four youths in the centers (about 2,500 out of 10,000) were placed there inappropriately and should have instead been placed in hospitals, foster care homes, or other noncustodial settings. Because of the inappropriate placement in detention facilities, many of these youths were preyed upon by violent youth, did not receive much-needed medical or mental care, and resorted to self-harm or suicide attempts to cope or escape from the dangerous and chaotic setting.<sup>27</sup> In another study of detained youth in Cook County's Temporary Juvenile Detention Center in Chicago, 1 in 10 considered taking their own life in the past six months, and 11% attempted suicide at some point in their detention. The study also found that suicide attempts were more prevalent among female detainees.<sup>28</sup>

An ongoing effort has been made to remove status offenders and neglected or abused children from detention facilities that also house juvenile delinquents to remedy these situations. In addition, alternatives to detention centers—temporary foster homes, detention boarding homes, and programs of neighborhood supervision—have been developed.<sup>29</sup> These alternatives, called **shelter care**, enable youths to live in a more homelike setting while the courts dispose of their cases.

### shelter care

A place for the temporary care of children in physically unrestricting facilities.

**National Detention Trends** There has been an on-going effort to remove juveniles from secure pre-trial detention, and, as a result, the number of delinquency cases involving detention has decreased by more than 50% since 2005. The largest declines have been for drug offense cases, down 63% and public order offenses down 57%. However, despite the decrease in the number of cases involving detention, the proportion of court petitioned youth being placed in detention is slightly higher today (26%) than in 2005 (25%). Thus, the lower number of youth detained before trial is more a function of the declining juvenile crime rate rather than a policy limiting the proportion of youth being sent to detention.<sup>30</sup>

The typical delinquent detainee is male, 16 years of age or older, who has been charged with a violent crime. Children of color are overrepresented in detention, especially indigent children whose families may be receiving public assistance.<sup>31</sup> The length of detention stay also falls more heavily on African American youth.<sup>32</sup> This association is particularly vexing because the longer the detention stay, the greater the chance of rearrest, future confinement, and reinvolvement with the juvenile justice system.<sup>33</sup>

**The Decision to Detain** Most children taken into custody by the police are released to their parents or guardians. Some are held overnight until their parents can be notified of the arrest. Police officers normally take a child to a place of detention only after other alternatives have been exhausted. Many juvenile courts in urban areas have staff members, such as intake probation officers, on duty 24 hours a day to screen detention admissions.

Ordinarily, delinquent children are detained if the police believe they are inclined to run away while awaiting trial or are likely to commit an offense dangerous to the parent. In addition to race, gender and age, other individual factors influence the detention decision, include prior mental health service, neglect, physical abuse, personal crime offense, and early age of first delinquency adjudication.<sup>34</sup> The use of screening instruments to determine the need for detention has proven useful.<sup>35</sup>

Generally, children should not be held in a detention facility or shelter care unit for more than 24 hours without a formal petition (a written request to the court) being filed to extend the detention period. There must be clear evidence of probable cause that the child has committed the offense and that they will



flee if not detained to detain a juvenile. Although the requirements for detention hearings vary, most jurisdictions require that they occur almost immediately after the child's admission to a detention facility and provide the youth with notice and counsel.

**New Approaches to Detention** Efforts have been ongoing to improve the process and conditions of detention. Experts maintain that detention facilities should provide youth with education, visitation, private communications, counseling, continuous supervision, medical and healthcare, nutrition, recreation, and reading. Detention should also include or provide a clinical observation and diagnosis system that complements the wide range of helpful services.<sup>36</sup>

The consensus today is that juvenile detention centers should be reserved for youths who clearly threaten the community. In some states, nonsecure facilities are being used to service juveniles for a limited period. Secure detention alternatives include in-home, home detention, day-center electronic monitoring, high-intensity community supervision, and comprehensive case management programs.

Undoubtedly, juveniles pose special detention problems, but some efforts are being made to improve programs and reduce pretrial detention use, especially in secure settings. Of all the problems associated with detention, however, none is as critical as the issue of placing youths in adult jails.

**Restricting Detention in Adult Jails** A significant problem in juvenile justice is placing youths in adult jails. Using adult jails often happens in rural areas where no other facility exists. Almost all experts agree that placing children under 18 in any type of jail facility should be prohibited because other inmates and staff can easily victimize youngsters forced to live in squalid conditions and subject to physical and sexual abuse.

Placing juveniles in adult facilities was common until a few years ago, but efforts have been made to change this situation. In 1989, the Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974 was amended to require that the states remove all juveniles from adult jails and lockups. According to federal guidelines, all juveniles in state custody must be separated from adult offenders, or the state could lose federal juvenile justice funds. The OJJDP defines separation as the condition in which juvenile detainees have either totally independent facilities or shared facilities that are designed so that juveniles and adults neither have contact nor share programs or staff.<sup>37</sup> These efforts have paid off: in 1999, about 9500 youth under age 18 were held in adult jails. At last count, there were about 3500.<sup>38</sup>

**Removing Status Offenders from Detention** Along with removing all juveniles from adult jails, the OJJDP has made deinstitutionalizing status offenders a cornerstone of its policy. The Juvenile Justice and Delinquency Prevention Act of 1974 prohibits the placement of status offenders in secure detention facilities.

Removing status offenders from secure facilities serves two purposes: it reduces interaction with serious offenders and insulates status offenders from the stigma associated with being a detainee in a locked facility. Efforts appear to be working, and the number of status offenders being held in secure confinement has been on a two-decade decline. Nonetheless, the debate over the most effective way to handle juvenile status offenders continues. Some experts have argued that if the juvenile court cannot take effective action in status offender cases, it should be stripped of jurisdiction over these youths. Most judges would prefer to retain jurisdiction so they can help children and families

resolve problems that cause runaways, truancy, and other status offense behaviors.<sup>39</sup>

## Bail

### bail

Amount of money that must be paid as a condition of pretrial release to ensure that the accused will return for subsequent proceedings. The judge normally sets bail at the initial appearance, and the accused is detained in jail if unable to make bail.

One critical pretrial issue is whether juveniles can be released on **bail**. According to the Constitution, adults retain the right, via the Eighth Amendment to reasonable bail in noncapital cases. Most states, however, refuse juveniles the right to bail. They argue that juvenile proceedings are civil, not criminal and that detention is rehabilitative, not punitive. In addition, they argue that juveniles do not need a constitutional right to bail because statutory provisions allow children to be released into parental custody.

State juvenile bail statutes fall into three categories: those guaranteeing the right to bail, those that grant the court discretion to give bail, and those that deny a juvenile the right to bail.<sup>40</sup> This disparity may be due to the lack of legal guidance. The Supreme Court has never decided the issue of juvenile bail. Some courts have stated that bail provisions do not apply to juveniles. Others rely on the Eighth Amendment against cruel and unusual punishment or on state constitutional provisions or statutes, concluding that juveniles have a right to bail.

### preventive detention

Keeping the accused in custody prior to trial because the accused is suspected of being a danger to the community.

**Preventive Detention** The Supreme Court has concluded that the state has a right to detain dangerous youths until their trial, a practice called **preventive detention**. On June 4, 1984, the Supreme Court dealt with this issue in *Schall v. Martin*, when it upheld the state of New York's preventive detention statute.<sup>41</sup> While Schall allowed minors to be held in custody without bail, the case also established a due process standard for detention hearings that includes the right to notice and a statement of substantial reasons for the detention.

Despite these measures, opponents hold that preventive detention deprives offenders of their freedom because guilt has not been proven. It is also unfair, they claim, to punish people for what judicial authorities believe they may do in the future, as it is impossible to predict who will be a danger to the community. Moreover, because judges use discretion in their detention decisions, an offender could unfairly be deprived of freedom without legal recourse. Today, most states allow "dangerous" youths to be held indefinitely before trial. Because preventive detention may attach a stigma of guilt to a child presumed innocent, the practice remains a highly controversial one, and the efficacy of such laws remains largely unknown.<sup>42</sup>

## Diversion

### diversion

Official halting or suspending of a formal criminal or juvenile justice proceeding at any legally prescribed processing point after a recorded justice system entry and referral of that person to a treatment or care program or a recommendation that the person be released.

One of the most important alternatives chosen at intake is nonjudicial disposition or, as it is variously called, nonjudicial adjustment, handling or processing, informal disposition, adjustment, or (most commonly) **diversion**. Juvenile diversion is placing youths suspected of law-violating behavior into treatment-oriented programs prior to formal trial and disposition to minimize their penetration into the justice system and thereby avoid stigma and labeling.<sup>43</sup>

Diversion implies more than simply screening out cases for which no additional treatment is needed. Screening involves abandoning efforts to apply coercive measures to a defendant. In contrast, diversion encourages an individual to participate in some specific program or activity to avoid further prosecution. This decision can be critical because there is evidence that being processed formally in the juvenile justice system, and receiving dispositions, no matter how benign, is related to recidivism.<sup>44</sup>

Entering a diversion program can also help relieve the financial burdens levied on juvenile offenders processed through the system, including court costs, fees,

and fines, with the most consequential impact on low-income families.<sup>45</sup> Clearly, avoiding the financial costs, stigma, and negative labeling associated with juvenile court processing can be beneficial.

Most court-based diversion programs employ a particular formula for choosing youths, similar to police-based diversion programs.<sup>46</sup> Criteria such as being a first offender, a nonviolent offender, a status offender, or being drug or alcohol dependent are used to select clients. In some programs, youths will be asked to partake of services voluntarily in lieu of a court appearance. In other programs, prosecutors will agree to defer, and then dismiss, a case once a youth has completed a treatment program. Finally, the juvenile court judge can initiate some programs after an initial hearing. Exhibit 14.2 lists the factors considered in diversion decisions.

In sum, diversion programs have been created to remove nonserious offenders from the justice system, provide them with nonpunitive treatment services, and help them avoid the stigma of a delinquent label.

**Diversion Issues** Diversion has been viewed as a promising alternative to official procedures, but its basic premises have been questioned over the years.<sup>47</sup> One criticism is that diversion programs involve children in the juvenile justice system who previously would have been released without official notice. This outcome is known as **widening the net**. Why does net-widening occur? Various studies indicate that police and court personnel are likely to use diversion programs for youths who ordinarily would have been turned loose at the intake or arrest stage.<sup>48</sup> Police and prosecutors find diversion a more attractive alternative than both official processing and outright release—diversion helps them resolve the conflict between doing too much and doing too little.

Evidence also suggests that children of color are less likely to be considered eligible for diversion than White offenders. It may be possible that juvenile court judges believe that Black youth grow up too fast and therefore are better candidates for waiver to adult court rather than diversion to juvenile court.<sup>49</sup>

Diversion has also been criticized as ineffective—that is, youths being diverted make no better adjustment in the community than those who go through official channels. However, not all experts are critical of diversion. Some challenge the net-widening concept as naive: How do we know that diverted youths would have had less interface with the justice system if diversion didn't exist?<sup>50</sup> Even if juveniles escaped official labels for their current offense, might they not eventually fall into the hands of the police? The rehabilitative potential of diversion should not be overlooked.<sup>51</sup> There is some evidence that diversion with a treatment component for juveniles suffering from mental health problems can delay or prevent further delinquent activity.<sup>52</sup> The popularity of diversion is not unique to the United States, and, as the following International Delinquency Feature shows us, it is used in several countries around the world.

#### widening the net

Phenomenon that occurs when programs created to divert youths from the justice system actually involve them more deeply in the official process.

### Exhibit 14.2

#### Who Gets Diversion?

| Factors Considered   | Criteria for Eligibility              |
|----------------------|---------------------------------------|
| Past criminal record | It is the juvenile's first offense.   |
| Type of offense      | It is a nonviolent or status offense. |
| Other circumstances  | The juvenile abuses drugs or alcohol. |



# International Delinquency

## Precourt Diversion Programs Around the World

Keeping youths who have become involved in minor delinquent acts from being formally processed through the juvenile justice system is a top priority in many countries around the world. This priority is because they recognize the need to protect young people against the stigma and labeling from being “processed” through a juvenile court. In many ways, entering the juvenile justice system is the last resort to dealing with juvenile delinquency. Informal processing or pre-court diversion programs, which vary from country to country, also represent a cost savings from paying for juvenile court judges, prosecutors, public defenders, and other justice personnel and administrative costs. These alternative approaches are more often used in European countries than in the United States, particularly western states. These programs are also very popular in Australia and New Zealand. Part of the reason for the greater use of these programs outside of the United States is that these countries are less punitive toward juvenile offenders than the United States. What follows are profiles of precourt diversion programs in the Netherlands, France, and Australia.

### Netherlands

In response to a sharp rise in juvenile vandalism and its associated costs, the government of the Netherlands implemented

a precourt diversion program called Het Alternatief (the alternative) or HALT. Begun in the 1970s in Rotterdam, the program quickly spread throughout the country and is now a national program in 65 locations. Accountability and assistance are at the center of the program. Young people ages 12 to 18 years caught for the first or second time committing an act of vandalism (the program is now used for other offenses as well) are offered the chance to avoid formal prosecution by participating. Juveniles who go through the program must repair the vandalism damage they have caused, and counselors work with the young people to assist them with employment, housing, and education issues. If the program is successfully completed, police charges are dropped, and the case is dismissed; an official report is sent to the prosecutor in unsuccessful cases. An evaluation of the program in three cities (Rotterdam, Eindhoven, and Dordrecht) found the program to be very effective in reducing future acts of vandalism. Juvenile offenders in the treatment group were 63% less likely to be rearrested versus a comparison group of 25% less likely to be rearrested.

### France

Maisons de justice, or community justice centers, are one of the most well-known pretrial diversion programs for juvenile

### petition

Report made by the police or some other agency to the court that initiates the intake process.


## Petition

The police or some other agency make a **petition**, a report made to the court to initiate the intake process. Once the agency decides that judicial disposition is required, a petition is filed. It is the formal complaint initiating judicial action against a juvenile charged with delinquency or a status offense. The petition includes basic information such as the child’s name, age, and residence; the parents’ names; and the facts alleging the child’s delinquency. The police officer, a family member, or a social service agency can file a petition.

Suppose after being given the right to counsel, the child admits the allegation in the petition. In that case, an initial hearing is scheduled for the child to make the admission before the court, and information is gathered to develop a treatment plan. If the child does not admit to any of the facts in the petition, a date is set for a hearing on the petition. This hearing, whose purpose is to determine the petition’s merits, is similar to the adult trial. Once a hearing date has been set, the probation department is normally asked to prepare a social study report. This predisposition report contains relevant information about the child and recommendations for treatment and service.

When a date has been set for the hearing on the petition, parents or guardians and other persons associated with the petition (witnesses, the arresting police officer, and





offenders in France. Set up by the Ministry of Justice and community associations across the country, the centers address minor offenses and other legal problems through alternative justice approaches. One of these alternative approaches is victim–offender mediation, whereby a trained staff member works with the offender, the victim, and sometimes the victim’s family to settle a dispute without the need for formal justice proceedings. An apology or an order of restitution or compensation is commonly reached as part of victim–offender mediation. Although there has been no formal evaluation of community justice centers, they are widely credited as helping to relieve some of the backlog in the courts and to settle cases much faster than traditional means.

### Australia

Precourt diversion programs have gone through extensive changes in Australia in recent years. Until the early 1990s, there were two types of juvenile diversion programs: police cautions, when the police warn offenders that the next time they are caught, formal action will be taken, and children’s panels, made up of police and social workers who admonish a young person for their delinquent behavior. Today, precourt diversion programs for juvenile offenders include expanded use of police cautions and the addition of restorative justice-based programs known as family group conferences (FGCs). These conferences bring together the

juvenile offender and their family, the victim, and a professional coordinator to discuss the problem caused by the juvenile offender and to agree on a mutually acceptable resolution that will benefit all parties and the wider community. FGCs attempt to provide the victim with restoration and restitution and the offender with rehabilitation and reintegration. An evaluation of an FGC program in Queensland showed that reoffending rates were reduced by 44% three to five years post-conference, and 82% of the conference participants, victims included, were satisfied with the agreed outcomes.

### Critical Thinking

1. What are some of the problems with precourt diversion programs?
2. Should these programs also be used for serious and violent juvenile offenders?

SOURCES: Michael O’Connell and Elizabeth O’Connell, “Youth Justice and Youth Crime in Australia,” in John Winterdyk, ed., *Juvenile Justice: International Perspectives, Models and Trends* (Boca Raton, FL: CRC Press, 2014); Kathleen Daly, Brigitte Bouhours, Roderic Broadhurst, and Nini Loh, “Youth Sex Offending: Recidivism and Restorative Justice: Comparing Court and Conference Cases,” *Australian and New Zealand Journal of Criminology* 46:241–267 (2013); T. Wing Lo, Gabrielle Maxwell, and Dennis Wong, “Diversion from Youth Courts in Five Asia Pacific Jurisdictions: Welfare or Restorative Solutions,” *International Journal of Offender Therapy and Comparative Criminology* 50:5–20 (2006); Josine Junger-Tas, “Youth Justice in the Netherlands,” in Michael Tonry and Anthony Doob, eds., *Youth Crime and Youth Justice: Comparative and Cross-National Perspectives. Crime and Justice: A Review of Research*, Vol. 31 (Chicago: University of Chicago Press, 2004).

victims) are notified. On occasion, the court may issue a summons—a court order requiring the juvenile or others involved in the case to appear for the hearing. The statutes in a given jurisdiction govern the contents of the petition. Some jurisdictions, for instance, allow for a petition to be filed based on the complainant’s information alone. Others require that the petition be filed under oath or that an affidavit accompanies the petition. Some jurisdictions authorize only one official, such as a probation officer or prosecutor, to file the petition. Others allow numerous officials, including family and social service agencies, to set forth facts in the petition.

## Intake

The term **intake** refers to the screening of cases by the juvenile court system. Intake officers screen the child and their family to determine whether juvenile court services are needed. Intake officers may (1) send the youth home with no further action, (2) divert the youth to a social agency, (3) petition the youth to the juvenile court, or (4) file a petition and hold the youth in detention. The intake process reduces demands on court resources, screens out cases that are not within the court’s jurisdiction, and enables assistance to be obtained from community agencies without court intervention. Juvenile court intake is provided for by statute in almost all states.

### intake

Process during which a juvenile referral is received and a decision made to file a petition in juvenile court to release the juvenile, to place the juvenile under supervision, or to refer the juvenile elsewhere.

### consent decree

A court order authorizing the disposition of a case without a formal label of delinquency.

After reviewing the case, justice system authorities decide whether to dismiss, informally handle, or formally process the case by taking the matter before a judge. A little more than half (56%) of all cases are handled informally without a petition being filed with the juvenile court, a proportion that has remained steady for quite some time.<sup>53</sup>

Intake screening allows juvenile courts to enter into consent decrees with juveniles without filing petitions or formal adjudication. A **consent decree** is an order of the court that authorizes the disposition of the case without a formal label of delinquency. It reflects an agreement between the court's intake department and the juvenile who is the subject of the complaint. In some instances, a mere apology between the offender and injured party may suffice; in others, the parties can arrive at a satisfactory voluntary restitution order that compensates the victim for their loss without needing further official processing. In some cases, the teen will agree to attend some form of community counseling, and there is no need for further official action.<sup>54</sup>

But intake also suffers from some problems.<sup>55</sup> Although almost all state juvenile court systems provide intake and diversion programs, few formal criteria exist for selecting children for such alternatives. There are also legal problems associated with the intake process. Among them are whether the child has a right to counsel, whether the child is protected against self-incrimination, and to what degree the child needs to consent to nonjudicial disposition as recommended by the intake officer. Finally, intake dispositions are often determined by the prior record rather than by the offense's seriousness or the child's social background. Race has also influenced intake decisions for both delinquent and status offenders.<sup>56</sup> This is part of the widely documented problem of disproportionate minority contact that extends from first contact with police throughout the entire juvenile justice process.<sup>57</sup>

## The Plea and Plea Bargaining

### plea bargaining

The exchange of prosecutorial and judicial concessions for a guilty plea by the accused; plea bargaining usually results in a reduced charge or a more lenient sentence.

In the adult criminal justice system, the defendant normally enters a guilty or not guilty plea. Upward of 95% of all adult defendants plead guilty. A large proportion of those pleas involve **plea bargaining**, the exchange of prosecutorial and judicial concessions for guilty pleas.<sup>58</sup> Plea bargaining permits a defendant to plead guilty to a less serious charge in exchange for an agreement by the prosecutor to recommend a reduced sentence to the court.<sup>59</sup> In the case of juvenile justice, it involves a discussion between the child's attorney and the prosecutor by which the child agrees to plead guilty to obtain a reduced charge or a lenient sentence.

In most jurisdictions, an initial hearing is held at which the child either submits to a finding of the facts alleged in the petition or denies the petition.<sup>60</sup> The court determines an appropriate disposition if the child admits to the facts. If the child denies the allegations, the case normally proceeds to trial. The court ordinarily imposes a denial of the charges when a child enters no plea. This may occur where a juvenile doesn't understand the nature of the complaint or lacks an attorney.

A high percentage of juvenile offenders enter guilty pleas—that is, they admit to the facts of the petition. In the past, it was believed that plea bargaining was unnecessary in the juvenile justice system because there was little incentive to bargain in a system that did not have jury trials or long sentences. In addition, because the court must dispose of cases in the child's best interests, plea negotiation seemed unnecessary. Consequently, there has long been a debate over the appropriateness of plea bargaining in juvenile justice. The arguments in favor of plea bargaining include lower court costs and efficiency. Counterarguments hold that plea bargaining with juveniles is an unregulated and unethical process. When used, experts believe the process requires the prosecutor's highest standards of good faith.<sup>61</sup>

There is little clear evidence on how much plea bargaining takes place in the juvenile justice system, but it is apparent that such negotiations do take place and seem to be increasing. One study found that about 20% of the cases processed in Philadelphia

resulted in a negotiated plea. Most were for reduced sentences, typically probation in lieu of incarceration.<sup>62</sup> Other factors in determining the outcome of a negotiated plea include the type of offense, number of victims, and age and race of the offender.<sup>63</sup>

Parents' involvement is a significant difference between plea bargaining in juvenile court and adult court. One reason is that juvenile court judges often seek parental approval after an agreement has been reached, so it is best to include them from the beginning. During hearings, parents may offer input regarding several issues, including whether they support their child's decision to plead guilty. Because parent and child interests may conflict, parents often lack understanding of their children's rights attorneys in juvenile court must advocate for their clients and educate and manage parents' interests both inside and outside the courtroom.<sup>64</sup>

In summary, the majority of juvenile cases that are not adjudicated seem to be the result of admissions to the facts rather than actual plea bargaining. Plea bargaining is less common in juvenile courts than in adult courts because incentives such as dropping multiple charges or substituting a misdemeanor for a felony are unlikely. Nonetheless, plea bargaining is firmly entrenched in the juvenile process. Any plea bargain, however, must be entered into voluntarily and knowingly; otherwise, the conviction may be overturned on appeal.

## Waiver: Transfer to the Adult Court

One of the most significant actions that can occur in the pretrial processing of a juvenile offender is the **transfer process**. Otherwise known as waiver, bindover, or removal, this process involves transferring a juvenile from the juvenile court to the adult criminal court. Virtually all state statutes allow for this kind of transfer. Waivers are reserved for minors who commit the most serious cases, but even petty offenders can be waived if they repeatedly commit crimes after being sentenced again and again to juvenile facilities. Nonetheless, the trend has been to limit waivers whenever possible and keep kids out of adult court and correctional facilities.

The number of delinquency cases judicially waived to criminal court peaked in 1994 at 13,100 cases, an increase of 82% over the number of cases waived in 1985 (7,200). Since then, the number of cases waived to adult court has been in steep decline and is now about 3,000 a year. While the percentage of kids who commit property and public order crimes, such as drug-related crimes, has remained steady, the percentage of violent offenders transferred to adult courts has increased (it is now about 60% of all waived cases).<sup>65</sup>

## Waiver Procedures

Today, all states allow juveniles to be tried as adults in criminal courts in one of three ways:

- **Concurrent jurisdiction.** In about 14 states and the District of Columbia, the prosecutor has the discretion of filing charges for certain offenses in either juvenile or criminal court.
- **Statutory exclusion policies.** In about 29 states, certain offenses are automatically excluded from juvenile court. These offenses can be minor, such as traffic violations, or serious, such as murder or rape. Statutory exclusion accounts for the largest number of juveniles tried as adults.
- **Judicial waiver.** In the remaining states, waiver (or bindover or removal) of juvenile cases to criminal court involves a hearing being held before a juvenile court judge, who then decides whether jurisdiction should be waived and the case transferred to criminal court.

Today, 46 states offer some form of provision for juvenile waivers.<sup>66</sup>

### LO3

Compare the pros and cons of transferring youths to adult court

### transfer process

Transfer of a juvenile offender from the jurisdiction of juvenile court to adult criminal court.

## Due Process in Transfer Proceedings

The standards for transfer procedures are set by state statute. Some jurisdictions allow for transfer between the ages of 14 and 17, and others restrict waiver proceedings to mature juveniles and specify particular offenses. Any child can be transferred to the criminal court system in a few jurisdictions, regardless of age.

Those states that have amended their waiver policies with statutory exclusion policies that now bar certain serious offenses from juvenile court jurisdiction.

For example, cases involving 16- and 17-year-olds charged with murder are automatically waived in some states. In other states, such as Illinois, youths ages 13 and older who are charged with murder and youths ages 15 and older who are charged with drugs and weapons offenses are automatically sent to criminal court. In a few, any child accused of murder, regardless of age, is tried before the criminal court.<sup>67</sup> Other jurisdictions use exclusion to remove traffic offenses and public-ordinance violations.

## Legal Controls

Since 1966, the U.S. Supreme Court and other federal and state courts have attempted to ensure fairness in the judicial waiver process by handing down decisions that spell out the need for due process. Two Supreme Court decisions, *Kent v. United States* (1966) and *Breed v. Jones* (1975), are relevant.<sup>68</sup> The *Kent* case declared a District of Columbia transfer statute unconstitutional and attacked the subsequent conviction of the child by granting him the specific due process rights of having an attorney present at the hearing and access to the evidence that would be used in the case.

The *Kent* case was significant because it examined for the first time the substantial degree of discretion associated with a transfer proceeding. Thus, the Supreme Court significantly limited its holding to the statute involved but justified its reference to constitutional principles relating to due process and the assistance of counsel. In addition, it said that the juvenile court waiver hearings need to measure up to the essentials of due process and fair treatment. Furthermore, in an appendix to its opinion, the Court set up the following criteria concerning waiver of the jurisdictions:

- The seriousness of the alleged offense to the community
- Whether the alleged offense was committed in an aggressive, violent, or willful manner
- Whether the alleged offense was committed against persons or against property
- The prosecutive merit of the complaint
- The sophistication and maturity of the juvenile
- The record and previous history of the juvenile
- Prospects for adequate protection of the public and the likelihood of reasonable rehabilitation

In *Breed v. Jones*, the Supreme Court declared that the child was to be granted the protection of the double jeopardy clause of the Fifth Amendment after he was tried as a delinquent in the juvenile court. Once found to be a delinquent, the youth can no longer be tried as an adult. The *Breed* case provided answers on several transfer issues: (1) It prohibits trying a child in an adult court when there has been a prior adjudicatory juvenile proceeding; (2) probable cause may exist at a transfer hearing, and this does not violate subsequent jeopardy if the child is transferred to the adult court; and (3) because the same evidence is often used in both the transfer hearing and subsequent trial in either the juvenile or adult court, a different judge is often required for each hearing.



Today, as a result of *Kent* and *Breed*, states that have **transfer hearings** provide sufficient notice to the child's family and defense attorney, the right to counsel, and a statement of the reason for the court order regarding transfer. These procedures recognize that the transfer process is critical in determining the statutory rights of the juvenile offender.

### **transfer hearings**

Preadjudicatory hearing in juvenile court for the purpose of determining whether juvenile court should be retained over a juvenile or waived and the juvenile transferred to adult court for prosecution.

## **The Effect of Transfers**

What effect does transferring youth to adult court have? Evaluation studies that measured the specific deterrent effect of transfers on violent crime rates have produced mixed results: some find that transfers produce lower violent crime rates; others have found a harmful effect, meaning that juveniles transferred to adult court had higher violent rearrest rates than their counterparts who were retained in juvenile court; another group finds no effect either way.<sup>69</sup> The impact on total crime rates has also been ambiguous. Some reviews find that transfers to adult court make no difference. Violent crime rearrest rates were neither higher nor lower for transferred juveniles compared to retained juveniles after release from prison; other studies find a harmful effect. An important analysis by Benjamin Steiner, Craig Hemmens, and Valerie Bell examined outcomes from 22 states that enacted statutory exclusion or automatic transfer laws after 1979. The study found no reduction in arrest rates for violent juvenile crime in 21 of the 22 states over five years following the introduction of the transfer law. Only Maine experienced a reduction in its juvenile arrest rate for violent crime. This reduction was both immediate and permanent and thus could be said to support a general deterrent effect of the transfer law.<sup>70</sup> Based on these and other findings, the Task Force on Community Preventive Services, set up to evaluate waivers, concluded that transferring juvenile offenders to the adult system is "counter-productive to reduce juvenile violence and enhance public safety." They did not go so far as to recommend that states repeal their transfer laws and discontinue the practice of transfers altogether, possibly because of the inconsistent results found for general deterrent effects.<sup>71</sup>

## **Should Any Youth Be Waived?**

Most juvenile justice experts oppose waiver because it clashes with the rehabilitative ideal. Basing waiver decisions on the type and seriousness of offense rather than the child's rehabilitative needs has advanced the *criminalization* of the juvenile court and interfered with its traditional mission to treat and rehabilitate.<sup>72</sup> And despite this sacrifice, there is little evidence that strict waiver policies can lower crime rates.

Some experts also question whether juveniles waived to adult court, particularly younger ones, are competent to be tried as adults. Adjudicative competency pertains to the youth's mental capacity or cognitive skills to understand the nature and object of the proceedings against them. Two studies found that the mental competency of youths under 16 to stand trial is far below that of similarly charged adults, with one study comparing the competency of young juvenile offenders to that of severely mentally impaired adults.<sup>73</sup>

Waivers can also create long-term harm. A conviction in the criminal court may stigmatize waived children. Labeling children as adult offenders early in life may seriously impair their future educational, employment, and other opportunities. Youthful offenders convicted in adult courts are more likely to be incarcerated and receive longer sentences than if they had remained in the juvenile court. A growing number of high-quality studies have reached this conclusion.<sup>74</sup> In one study in New York and New Jersey, juveniles transferred to criminal court were almost three times more likely to receive incarceration sentences than juvenile court defendants (36% versus 14%).<sup>75</sup> In another study in Pennsylvania, the average sentence length for juvenile offenders sentenced in adult court was significantly longer than for a similar group of young adult offenders (18 months compared to 6 months).<sup>76</sup> And these children may be incarcerated under conditions so extreme—and

in institutions where they may be physically and sexually exploited—that they will become permanently damaged.<sup>77</sup> A small-scale study of female youths transferred to criminal court and subsequently placed in a prison for adult women found the prison severely limited in its ability to care for and provide needed treatment services for these youths compared with the adults.<sup>78</sup>

Waivers do not always support the goal of increased public protection. Because juveniles may only serve a fraction of the prison sentence the criminal court imposed, the actual treatment of delinquents in adult court is similar to what they might have received had they remained in the custody of juvenile authorities.<sup>79</sup> This outcome has prompted some critics to ask, why bother transferring these children?

Sometimes waivers can add an undue burden to youthful offenders. Studies have found that although transfers to criminal court were intended for the most serious juvenile offenders, many transferred juveniles were not violent offenders but repeat property offenders.<sup>80</sup> Cases involving waiver take significantly longer than comparable juvenile court cases. During that time, the waived youth is more likely to be held in a detention center.

Transfer decisions don't always happen fairly or equitably, and evidence suggests that children of color are waived at a greater rate than their representation in the general and juvenile court population.<sup>81</sup> For example, while 0.7 of cases involving white juveniles are waived, 1.1 of African American defendants are similarly waived, a significant difference of more than 50%.<sup>82</sup> And these differences are still prevalent despite the government's long attempt to reduce racial disparity through the Disproportionate Minority Contact program.<sup>83</sup>

Those reviewing these results question the way waiver is used today. Legal scholar Michael Tonry calls for more individualized treatment for juvenile offenders, noting that "One-size-fits-all" policies inevitably produce anomalies, injustices, and unwanted side effects (including increased violent re-offending).<sup>84</sup>

## In Support of Waiver

Not all experts challenge the waiver concept. Waivers are attractive to conservatives because they jibe with the popular get-tough policy. Some have argued that the increased use of waivers can help get violent offenders off the streets and should be mandatory for juveniles committing serious violent crimes.<sup>85</sup> Others point to studies that show that, for the most part, transfer is reserved for the most serious cases and juvenile offenders. Kids are most likely to be transferred to criminal court if they have injured someone with a weapon or have a long juvenile court record.<sup>86</sup> Not surprisingly, more than 25% of juveniles tried in criminal court were sentenced to prison. We can expect this outcome because those waived to criminal court were more likely (64%) than adults (24%) to be charged with a violent felony. In addition, transferred juvenile defendants are generally regarded as serious offenders because more than half do not receive pretrial release; about two-thirds are convicted of a felony, which requires a prison sentence in many cases.<sup>87</sup> Clearly, many waived juveniles might be considered serious offenders.<sup>88</sup>

Franklin Zimring argues that, despite its faults, the waiver system is superior to alternative methods for handling the most serious juvenile offenders.<sup>89</sup> He argues that some cases involving serious offenses require a minimum criminal penalty greater than that available to the juvenile court. In sum, though the use of waivers has been in decline, it is still an important strategy for attacking serious youth crime.<sup>90</sup> Its continued use can be attributed to the get-tough attitude toward the serious juvenile offender.

### LO4

Explain key issues of the trial stage of juvenile justice, including constitutional rights of youths and disposition

## Juvenile Court Trial

If the case cannot be decided during the pretrial stage, it will be brought forth for a trial in the juvenile court. An adjudication hearing is held to determine the merits of the petition claiming that a child is either a delinquent youth or in need of court

supervision. The judge must make a finding based on the evidence and reach a judgment. Adjudication is comparable to an adult trial. Rules of evidence in adult criminal proceedings are generally applicable in juvenile court, and the standard of proof used—*beyond a reasonable doubt*—is similar to that used in adult trials.

State juvenile codes vary concerning the basic requirements of due process and fairness. Most juvenile courts have bifurcated hearings—separate hearings for adjudication and disposition (sentencing). At disposition hearings, evidence that reflects nonlegal factors, such as the child’s home life, can be submitted.

Most state juvenile codes provide specific rules of procedure, which have several purposes: They require that a written petition be submitted to the court, ensure the right of a child to have an attorney, provide that the adjudication proceedings be recorded, allow the petition to be amended, and provide that a child’s plea be accepted. Where the child admits to the facts of the petition, the court generally seeks assurance that the plea is voluntary. If plea bargaining is used, prosecutors, defense counsel, and trial judges take steps to ensure the fairness of such negotiations.

At the end of the adjudication hearing, most juvenile court statutes require the judge to make a factual finding on the legal issues and evidence. This finding is normally a prelude to reaching a verdict in the criminal court. In the juvenile court, however, the finding itself is the verdict—the case is resolved in one of three ways:

- The juvenile court judge finds that the child or juvenile is not delinquent or in need of supervision.
- The juvenile court judge finds that the juvenile is delinquent or in need of supervision.
- The juvenile court judge dismisses the case because of insufficient or faulty evidence.

In some jurisdictions, informal alternatives are used, such as filing the case with no further consequences or continuing the case without a finding for some time, such as six months. The case is dismissed if the juvenile does not get into further difficulty during that time. These alternatives involve no determination of delinquency or noncriminal behavior. Because of the juvenile court philosophy that emphasizes rehabilitation over punishment, a delinquency finding is not the same as a criminal conviction. The disabilities associated with a conviction, such as disqualifications for employment or being barred from military service, do not apply in an adjudication of delinquency.

There are other differences between adult and juvenile proceedings. For instance, while adults are entitled to public trials by a jury of their peers, these rights are not extended to juveniles.<sup>91</sup> Because juvenile courts treat some defendants like adult criminals, some argue that the courts should extend to these youths the Sixth Amendment right to a public jury trial.<sup>92</sup> For the most part, state juvenile courts operate without recognizing a juvenile’s constitutional right to a jury trial.

Juvenile courts are today adjudicating far fewer cases than in the past. Since 2005, adjudicated status offenders decreased from 109,100 to about 33,000. The annual number of delinquency cases has fallen from 547,200 in 2005 to about 200,000 today. These declines reflect the significant drop in delinquency arrests over the past few decades. While the COVID crisis may increase violent crime arrests and adjudications, a decline in drug and property crime adjudications will overshadow these numbers. In 2005, 34% of all delinquency cases resulted in either adjudication of delinquency or waiver to criminal court. This proportion decreased to 29% today. Not surprisingly, the more serious the charge, the more likely an offender will be adjudicated as delinquent.<sup>93</sup>

## Constitutional Rights at Trial

In addition to mandating state juvenile code requirements, the Supreme Court has mandated applying constitutional due process standards to juvenile trials. **Due process**, addressed in the Fifth and Fourteenth Amendments to the U.S. Constitution, refers to

### due process

Basic constitutional principle based on the concept of the primacy of the individual and the complementary concept of limitation on governmental power; safeguards the individual from unfair state procedures in judicial or administrative proceedings. Due process rights have been extended to juvenile trials.

### LO5

Appraise the major U.S. Supreme Court decisions that have influenced the handling of juveniles at the pre-adjudicatory and trial stages

the need for rules and procedures that protect individual rights. Having the right to due process means that no person can be deprived of life, liberty, or property without such protections as legal counsel, an open and fair hearing, an opportunity to confront those making accusations against them, and the right to a speedy trial.

For many years, children were deprived of their due process rights because the *parens patriae* philosophy governed their relationship with the juvenile justice system. Such rights as having counsel and confronting one's accusers were deemed unnecessary. After all, why should children need protection from the state when it was seen acting in their interest? As we have seen, this view changed in the 1960s, when the Supreme Court began to grant due process rights and procedures to minors. The key case was that of Gerald Gault; it articulated the basic requirements of due process that must be satisfied in juvenile court proceedings.<sup>94</sup>

The *Gault* decision was significant not only because of the procedural reforms it initiated but also because of its far-reaching impact throughout the entire juvenile justice system. *In re Gault* instilled in juvenile proceedings the development of due process standards at the pretrial, trial, and posttrial stages of the juvenile process. While recognizing the history and development of the juvenile court, it sought to accommodate the motives of rehabilitation and treatment of children's rights. It recognized the principle of the law's fundamental fairness for children and adults. Judged in the context of today's juvenile justice system, *In re Gault* redefined the relationships among juveniles, their parents, and the state. Because it remains the single most significant constitutional case in juvenile justice, it is the subject of the following focus on delinquency.



## Focus on Delinquency

### In Re Gault

Gerald Gault, 15 years of age, was taken into custody by the sheriff of Gila County, Arizona, because a woman complained that he and another boy had made an obscene telephone call to her. At the time, Gault was under a six-month probation disposition after being found delinquent for stealing a wallet. Due to the woman's complaint, the boy was taken to a children's home. His parents were not informed that he was being taken into custody. Upon learning of his whereabouts, Gerald's mother appeared in the evening. She met with the superintendent of the detention center. He told her that a hearing would be held in the juvenile court the following day. On the day in question, the police officer who had taken Gault into custody filed a petition alleging his delinquency. Gault, his mother, and the police officer appeared before the judge in his chambers. Mrs. Cook, the complainant, was not at the hearing. The boy was questioned about the telephone calls, sent back to the detention home, and released a few days later.

On his release, Mrs. Gault received a letter indicating that a juvenile court hearing would be held to determine

whether he was a delinquent. When the hearing was held, and the complainant was not present nor was there a transcript or recording of the proceedings. The only evidence was the testimony of the police officer who stated that Gault had admitted to making the lewd telephone calls. Neither the boy nor his parents were advised of any right to remain silent, right to be represented by counsel, or any other constitutional rights. After the hearing, the juvenile court found Gault to be a delinquent and committed him to the state industrial school for the period of his minority. This ruling meant that, at age 15, Gerald Gault was sentenced to remain in the state school for six years until he reached 21. An adult charged with making an obscene call would have received a maximum punishment of no more than a \$50 fine or two months behind bars.

### Appeal

Gault's attorneys filed a writ of habeas corpus, which the Superior Court of the State of Arizona denied. The Arizona



**Post-Gault Decisions** The Gault decision reshaped the constitutional and philosophical nature of the juvenile court system and made it more similar to the adult system by adding legal representation.<sup>95</sup> Following the *Gault* case, the Supreme Court decided in *In re Winship* that the amount of proof required in juvenile delinquency adjudications is “beyond a reasonable doubt,” a level equal to the requirements in the adult system.<sup>96</sup>

Although how the juvenile court operates was altered by *In re Gault* and *In re Winship*, the trend toward increased rights for juveniles was curtailed by the Supreme Court’s decision in *McKeiver v. Pennsylvania* (1971), which held that trial by jury in a juvenile court’s adjudicative stage is not a constitutional requirement.<sup>97</sup> This decision does not prevent states from giving the juvenile a trial by jury, but in most states, a child has no such right. This pullback from granting full due process rights to juveniles has not set well with scholars who believe the ruling denied due process to a large segment of the population. Among the reasons for the Court to reinstate juries in the juvenile

- Historically, youth were afforded the right to a trial by jury under common law.
- The concept of *parens patriae* does not support the power of the state to try a juvenile by a judge.
- Juveniles in the United States possessed the right to a jury trial when the Sixth and Fourteenth Amendments were adopted.<sup>98</sup>

### *In re Winship*

Proof beyond a reasonable doubt is necessary for conviction in juvenile proceedings.

Supreme Court subsequently affirmed that decision. On appeal to the U.S. Supreme Court, Gault’s counsel argued that the juvenile code of Arizona under which the boy was found delinquent was invalid because it was contrary to the due process clause of the Fourteenth Amendment.

In a far-reaching opinion, the Court agreed that Gerald Gault’s constitutional rights had been violated. Notice of charges was an essential ingredient of due process of law, as were the right to counsel, the right to cross-examine and to confront witnesses, and the privilege against self-incrimination.

### Significance of the Case

The Gault case established that a child has due process constitutional rights in delinquency adjudication proceedings, where the consequences were that the child could be committed to a state institution.

This decision was also significant because of its far-reaching impact throughout the entire juvenile justice system. Gault instilled in juvenile proceedings the development of due process standards at the pretrial, trial, and post-trial stages of the

juvenile process. Although recognizing the history and development of the juvenile court, it sought to accommodate the motives of rehabilitation and treatment of children’s rights. It recognized the principle of the fundamental fairness of the law for children and adults. Judged in the context of today’s juvenile justice system, Gault redefined the relationships among juveniles, their parents, and the state. It remains the single most significant constitutional case in the area of juvenile justice.

### Critical Thinking

What is your take on granting juvenile offenders the same basic legal rights as adults? If the process is the same, why bother? Should the juvenile court process be more like a social work intake procedure, meaning the goal is to find the best treatment alternatives for youth rather than hold a quasi-criminal trial?

SOURCES: *In re Gault*, 387 U.S. 1; 87 S.Ct. 1248 (1967); Gina Kim, “Santa Maria man convicted of child sex abuse charges sentenced to probation”, Santa Maria Times, Apr 27, 2017 Updated May 1, 2017 [https://santamariatimes.com/news/local/crime-and-courts/santa-maria-man-convicted-of-child-sex-abuse-charges-sentenced-to-probation/article\\_241ff3a3-d2de-558e-b33d-6c164db689ee.html](https://santamariatimes.com/news/local/crime-and-courts/santa-maria-man-convicted-of-child-sex-abuse-charges-sentenced-to-probation/article_241ff3a3-d2de-558e-b33d-6c164db689ee.html)



Once an adjudicatory hearing has been completed, the court is normally required to enter a judgment or finding against the child. This finding may take the form of declaring the child delinquent, adjudging the child to be a ward of the court, or possibly even suspending judgment to avoid the stigma of a juvenile record. After a judgment has been entered, the court can begin its determination of possible dispositions. While there is no Constitutional mandate, several state courts have that juveniles are entitled to a speedy trial.<sup>99</sup> Speed is important in this process since lengthy delays may enhance the likelihood of a young person getting into further legal trouble.<sup>100</sup>

## LO6

Discuss the most common dispositions for juvenile offenders

## Disposition

The sentencing step of the juvenile justice process is called disposition. At this point, the court orders treatment for the juvenile. According to prevailing juvenile justice philosophy, dispositions should be in the best interest of the child, which in this context means providing the necessary help to resolve or meet the adolescent's personal needs while at the same time meeting society's needs for protection.

As already mentioned, in most jurisdictions, adjudication and disposition hearings are separated, or bifurcated, so that evidence not permissible during the juvenile trial can be considered at the dispositional hearing. At the hearing, the defense counsel represents the child, helps the parents understand the court's decision, and influences the direction of the disposition. Others involved at the dispositional stage include representatives of social service agencies, psychologists, social workers, and probation personnel.

**The Predisposition Report** After the child admits the allegations, or they have been proved at trial, the judge normally orders the probation department to complete a predisposition report. The predisposition report, which is similar to the adult justice system's presentence report, has several purposes. It helps:

- the judge decide which disposition is best for the child,
- the juvenile probation officer develop treatment programs if the child needs counseling or community supervision, and
- the court develop a body of knowledge about the child that can aid others in treating the child.<sup>101</sup>

Sources of dispositional data include family members, school officials, and statements from the juvenile offenders themselves. Psychological testing, psychiatric evaluations, and intelligence testing may be relevant. Furthermore, the probation officer might include information about the juvenile's feelings concerning their case.

Some state statutes make the predisposition report mandatory. Other jurisdictions require the report only when a probability exists that the child will be institutionalized. Some appellate courts have reversed orders institutionalizing children when the juvenile court did not use a predisposition report in reaching its decision. Access to predisposition reports is an important legal issue.

The probation department recommends a disposition to the presiding judge in the final section of the predisposition report. This recommendation is a critical aspect of the report because estimates suggest the court follows more than 90% of all probation department recommendations.

**Juvenile Court Dispositions** Historically, the juvenile court has had broad discretionary power to make dispositional decisions. The major categories of dispositional choices are community release, out-of-home placements, fines or restitution, community service, and institutionalization.<sup>102</sup> A more detailed list of the dispositions open to the juvenile court judge appears in Exhibit 14.3.

## Exhibit 14.3

### Common Juvenile Dispositions

| Disposition                                   | Action Taken   |
|---|--|
| Informal consent Decree                       | In minor or first offenses, an informal hearing is held, and the judge will ask the youth and their guardian to agree to a treatment program, such as counseling. No formal trial or disposition hearing is held.  |
| Probation                                     | A youth is placed under the county probation department's control and must obey a set of probation rules and participate in a treatment program.   |
| Home detention                                | A child is restricted to their home in lieu of a secure placement. Rules include regular school attendance, curfew observance, avoidance of alcohol and drugs, and notification of parents and the youth worker of the child's whereabouts.  |
| Court-ordered school attendance               | If truancy was the problem that brought the youth to court, a judge might order mandatory school attendance. Some courts have established court-operated day schools and court-based tutorial programs staffed by community volunteers.  |
| Financial restitution                         | A judge can order the juvenile offender to make financial restitution to the victim. In most jurisdictions, restitution is part of probation (see Chapter 15), but in a few states, such as Maryland, restitution can be a sole order.   |
| Fines   | Some states allow fines to be levied against juveniles aged 16 and over.   |
| Community service                             | Courts in many jurisdictions require juveniles to spend time in the community working off their debt to society. Community service orders are usually reserved for victimless crimes, such as possession of drugs, or crimes against public order, such as vandalism of school property. Community service orders are usually carried out in schools, hospitals, or nursing homes. |
| Outpatient psychotherapy                      | Youths diagnosed with psychological disorders may be required to undergo therapy at a local mental health clinic.  |
| Drug and alcohol treatment                    | Youths with drug- or alcohol-related problems may be allowed to remain in the community if they agree to undergo drug or alcohol therapy.  |
| Commitment to secure treatment                | In the most serious cases, a judge may order an offender admitted to a long-term treatment center, such as a training school, camp, ranch, or group home. These may be either state-run or privately run institutions, usually located in remote regions. Training schools provide educational, vocational, and rehabilitation programs in a secure environment.                   |
| Commitment to a residential community program | Youths who commit less serious crimes but still need to be removed from their homes can be placed in community-based group homes or halfway houses. They attend school or work during the day and live in a controlled, therapeutic environment at night.  |
| Foster home placement                         | Foster homes are usually used for dependent or neglected children and status offenders. Judges place delinquents who have insurmountable problems in state-licensed foster care homes.   |

Most state statutes allow the juvenile court judge to select whatever disposition seems best suited to the child's needs, including institutionalization. In some states, the court determines commitment to a specific institution; in other states, the youth corrections agency determines where the child will be placed. In addition to the dispositions in Exhibit 14.3, some states grant the court the power to order parents into treatment or to suspend a youth's driver's license.

Today, juvenile court judges commonly employ a graduated sanction program for juveniles: (1) immediate sanctions for nonviolent offenders, which consist of community-based diversion and day treatment imposed on first-time, nonviolent offenders; (2) intermediate sanctions, which target repeat minor offenders and first-time serious offenders; and (3) secure care, which is reserved for repeat serious offenders and violent offenders.<sup>103</sup>

In 2005, about 360,000 juveniles were placed on probation. The number today is about 130,000, a decline of more than 50%. Similarly, the number of cases adjudicated delinquent that resulted in some out-of-home placement decreased from about 152,000 in 2005 to around 50,000 today.<sup>104</sup> Again, the percentage receiving these dispositions has not undergone a radical change, so the reduction is more a function of delinquency rate drops rather than policy change. Older, male, and children of color are more likely to receive out-of-home placements than younger, White female offenders. Numerous research studies show that children of color may receive lengthier and/or harsher sentences when compared to white offenders, an ongoing problem in the justice system.<sup>105</sup>

## Juvenile Sentencing Structures

For most of the juvenile court's history, disposition reflected the presumed needs of the child. Although critics have challenged the motivations of early reformers in championing rehabilitation, there is little question that the rhetoric of the juvenile court has promoted that ideal.<sup>106</sup> For example, in their classic work *Beyond the Best Interest of the Child*, Joseph Goldstein, Anna Freud, and Albert Solnit say that the placement of children should employ the **least detrimental alternative** available to foster the child's development.<sup>107</sup> Most states have adopted this ideal in their sentencing efforts, and state courts usually insist that the purpose of disposition must be rehabilitation, not punishment.<sup>108</sup> Consequently, state courts routinely require judges to justify their sentencing decisions if it means that juveniles must be incarcerated in a residential treatment center: They must document the reasons for the placement, address the danger the child poses to society, and explain why a less-restrictive alternative has not been used.<sup>109</sup>

Traditionally, states have used the **indeterminate sentence** in juvenile court. In about half of the states, this sentencing means having the judge place the offender with the state department of juvenile corrections until correctional authorities consider the youth ready to return to society or until the youth reaches legal majority. A preponderance of states consider 18 to be the age of release; others peg the termination age at 19; in a few states, youths can retain minority status until their 21st birthday. In practice, few youths remain in custody for the entire statutory period; juveniles are usually released if their rehabilitation has progressed satisfactorily. This practice is called the **individualized treatment model**.

Each sentence must be tailored to each child's individual needs.

Another form of the indeterminate sentence allows judges to specify a maximum term. Under this form of sentencing, youths may be released if the corrections department considers them rehabilitated or they reach the automatic age of termination (usually 18). In states that stipulate a maximum sentence, the court may extend the sentence depending on the youth's progress in the institutional facility.

Several states have changed from indeterminate to **determinate sentences**. This means sentencing juvenile offenders to a fixed term of confinement they must serve in its entirety.

Some states now use guidelines designed to create greater uniformity in juvenile sentencing outcomes. As noted previously, children of color, older offenders, and males are more likely to receive harsher sentences when compared to white, young, female offenders. Hence, some device is needed to ensure sentencing uniformity.<sup>110</sup> For instance, Florida's Disposition Matrix guides judicial decisions based on two primary factors: the seriousness of the delinquent act and the risk of reoffending. For youths who commit a minor act and have a low recidivism risk, the recommendation is a diversion for violent youth classified as high-risk

### least detrimental alternative

Choice of a program for the child that will best foster the child's growth and development.

### indeterminate sentence

Does not specify the length of time the juvenile must be held; rather, correctional authorities decide when the juvenile is ready to return to society.

### Individualized treatment model

Using individually designed programs, geared specifically to their needs, to treat troubled youth.

### determinate sentence

Specifies a fixed term of detention that must be served.



and the recommended disposition is a commitment to a juvenile institution.<sup>111</sup> While the matrix is designed to reduce or eliminate sentencing disparity, judges are allowed to depart from these guidelines. Research indicates that black youth are more likely to receive upward departures from the guideline-recommended sanctions than white offenders. This outcome is especially troubling when a demonstrated likelihood of recidivism results from receiving an upward departure from the recommended disposition. This outcome is particularly pronounced among males of color.<sup>112</sup>

Other states have passed laws creating **mandatory sentences** for serious juvenile offenders. Juveniles receiving mandatory sentences are usually institutionalized for the full sentence and are not eligible for early parole. The difference between mandatory and determinate sentences is that mandatory sentences carry a statutory requirement that a certain penalty be set in all cases on conviction for a specified offense.

#### **mandatory sentence**

Defined by a statutory requirement that states the penalty to be set for all cases of a specific offense.

**Blended Sentences** State sentencing trends indicate that punishment and accountability, in addition to rehabilitation, have become equally important in juvenile justice policy. As a result, many states have created blended sentencing structures for cases involving serious offenders. Blended sentencing allows the imposition of juvenile and adult sanctions for juvenile offenders adjudicated in juvenile court or convicted in criminal court.<sup>113</sup> This expanded sentencing authority allows criminal and juvenile courts to impose either a juvenile or an adult sentence, or both, in cases involving juvenile offenders. When both sentences are imposed simultaneously, the court suspends the adult sanction. If the youth follows the conditions of the juvenile sentence and commits no further violation, the adult sentence is revoked. If the juvenile fails to abide by the terms of the sentence, it will be revoked, and they would then be transferred to the adult justice system to serve the remainder of their terms.

Blended sentences now exist in more than 30 states.<sup>114</sup> One study found that many factors are related to invoking the adult portion of the blended sentence, including offense type at commitment, age at commitment, and institutional misconduct.<sup>115</sup>

## **The Death Penalty for Juveniles**

The use of the death penalty for children has long been controversial. The Supreme Court first began limiting its use in *Thompson v. Oklahoma* (1988), where it prohibited the execution of persons under age 16 but left the age at which execution would be legally appropriate.<sup>116</sup> They then answered this question in two 1989 cases, *Wilkins v. Missouri* and *Stanford v. Kentucky*, in which they ruled that states were free to impose the death penalty for murderers who committed their crimes after they reached age 16 or 17.<sup>117</sup> According to the majority opinion, society at that time had not agreed that executing such minors constitutes a cruel and unusual punishment.

On March 1, 2005, the Supreme Court, in the case of *Roper v. Simmons*, put an end to the practice of the death penalty for juveniles in the United States. At issue was the minimum age that juveniles under 18 when they committed their crimes could be eligible for the death penalty.<sup>118</sup> At the time, 16- and 17-year-olds were eligible for the death penalty, and 21 states permitted the death penalty for juveniles,<sup>119</sup> with 72 juvenile offenders on death row.<sup>120</sup> In a 5–4 decision, the Court ruled that the juvenile death penalty violated the Eighth Amendment’s ban on cruel and unusual punishment.<sup>121</sup>

#### ***Roper v. Simmons***

Repealed death penalty sentences for all juveniles in the United States.

The execution of minor children has not been uncommon in our nation’s history; at least 366 juvenile offenders have been executed since 1642.<sup>122</sup>

This figure represents about 2% of more than 18,000 executions carried out since colonial times. Between the death penalty's reinstatement in 1976 and the last execution of a juvenile in 2003, seven states have executed 22 juvenile offenders. Texas accounted for 13 of these 22 executions. All 22 of the executed juvenile offenders were male, 21 committed their crimes at age 17, and just over half (13) were children of color.<sup>123</sup>

Those who applaud the Supreme Court's decision agree that it has little deterrent effect on youngsters who are impulsive and do not have a realistic view of the destructiveness of their misdeeds or their consequences. Victor Streib, who long has been the leading critic of the death penalty for children, agrees with the Court that such a practice is cruel and unusual punishment because (1) the condemnation of children makes no measurable contribution to the legitimate goals of punishment; (2) condemning any minor to death violates contemporary standards of decency; (3) the capacity of the young for change, growth, and rehabilitation makes the death penalty particularly harsh and inappropriate; and (4) both legislative attitudes and public opinion reject juvenile executions.<sup>124</sup> As you may recall (Chapter 3), a growing body of research shows that the brain continues to develop through the late teen years, as do important mental functions, such as planning, judgment, and emotional control.<sup>125</sup>

## Life Without Parole

Closely tied to the end of the death penalty practice for juveniles is a debate that concerns juveniles sentenced to life without the possibility of parole. Experts had long questioned the utility of giving a 14-year-old juvenile a life sentence. Most specifically, legal scholar Barry Feld persuasively argued that the Supreme Court's diminished-responsibility standard—used in the decision to end the juvenile death penalty—should also apply to cases where juvenile offenders are receiving life sentences without the possibility of parole.<sup>126</sup> The main reasons for this view center on the overly punitive nature of this sentence and the need to differentiate between juvenile and adult culpability.<sup>127</sup> To achieve this end, Feld proposes that “states formally recognize youthfulness as a mitigating factor by applying a ‘youth discount’ to adult sentence lengths.”<sup>128</sup>

In 2009, the Supreme Court agreed to take up the matter of juveniles sentenced to life without the possibility of parole. The Court accepted appeals from two individuals from Florida serving life sentences for nonhomicide crimes committed as juveniles. In the first case, which goes back to 1989, Joe Sullivan, then 13, was convicted of raping a 72-year-old woman. In the other case, Terrance Graham, 17-years-old, was convicted of a probation violation for a home invasion robbery in 2004. In their briefs to the Court, both petitioners argued that the sentence of life without the possibility of parole violates the Eighth Amendment's prohibition of cruel and unusual punishment. In oral arguments before the Court, the justices did not revisit the question that “juveniles generally are psychologically less mature than adults” but instead focused on “whether the mitigating trait of immaturity justified a categorical exclusion of juveniles from the sentence of life without parole.”<sup>129</sup>

### **Graham v. Florida**

Repealed life sentences without the possibility of parole for juveniles convicted of nonhomicide crimes.

On May 17, 2010, the Supreme Court, in the case of **Graham v. Florida**, put an end to the practice of life sentences without the possibility of parole for juveniles convicted of nonhomicide crimes.<sup>130</sup> The Court agreed that this sentence violated the Eighth Amendment's ban on cruel and unusual punishment. The Court did leave in place the prospect that juveniles could continue to receive a life sentence without parole for crimes in which someone is killed. In two cases involving 14-year-olds convicted of homicide and sentenced to life without parole, *Miller v. Alabama* and *Jackson v. Hobbs*, the Supreme Court subsequently decided to revisit this issue.<sup>131</sup>

On June 25, 2012, the Court ruled that the sentence of life without the possibility of parole for all juvenile offenders, including those convicted of homicide, could not be imposed automatically. It viewed the sentence's mandatory nature as violating the Eighth Amendment's ban on cruel and unusual punishment. While the ruling left open the possibility of this sentence for juvenile offenders convicted of homicide, individual circumstances and mitigating factors need to be considered.<sup>132</sup> In the intervening years, states have struggled with how to apply this ruling and if it should apply retroactively. A handful of state supreme courts have ruled in favor of retroactivity (e.g., Massachusetts, Illinois, Iowa, Nebraska, Mississippi), while other state supreme courts have rejected this possibility (e.g., Michigan, Pennsylvania, Minnesota, Louisiana). The Supreme Court agreed to hear a case on this matter, *Montgomery v. Louisiana*, and in January 2016, ruled that *Miller* applied retroactively.<sup>133</sup>

When *Montgomery* was decided, about 2,300 people were serving life-without-parole sentences for crimes committed as juveniles. As a result of the *Montgomery* ruling, youth sentenced to parole-ineligible life sentences in 29 states and the federal government have had their case reviewed, with many granted a new sentence. Individuals have been released outright from prison in a small fraction of cases. Post-*Montgomery*, the number of juveniles serving life has sharply declined, and fewer than 700 youth behind bars are still under a life sentence.

A more conservative Supreme Court recently revisited the issue of life sentences for juveniles in the case of *Jones v. Mississippi* (2021).<sup>134</sup> Fifteen-year-old Brett Jones stabbed his grandfather to death in 2004 after an argument. Jones was convicted of murder, and the judge imposed a mandatory life imprisonment sentence, without parole eligibility. After several appeals, Mississippi's highest court ordered that Jones be resentenced to determine whether he met the *Miller* and *Montgomery* standard. The case reserved life sentences "for all but the rarest of juvenile offenders, those whose crimes reflect permanent incorrigibility." After the case was reheard by a lower court, the sentencing judge held that, considering all the facts, Jones was not entitled to parole eligibility. Thereafter, another appeal was filed which eventually made its way to the United States Supreme Court, the question to be decided was: Does the Eighth Amendment require a sentencing authority to find that a juvenile is permanently incorrigible before it may impose a sentence of life without the possibility of parole? The Court concluded that sentencing a juvenile to life without parole does not require a factual finding that they are permanently incorrigible. A discretionary sentencing system, the Court ruled, is both necessary and sufficient for imposing a sentence of life without parole on a defendant who committed homicide when they were under 18. Critics question this application of unbridled judicial discretion in handing out life sentences to youth who may be later rehabilitated.<sup>135</sup>

How does the sentencing process in U.S. juvenile courts compare to what happens abroad? The following International Delinquency Feature addresses this topic.

## The Child's Right to Appeal

Regardless of the sentence imposed, juveniles may want to appeal the juvenile court judge's decision. Juvenile court statutes typically restrict appeals to cases where the juvenile seeks review of a **final order**. A final order is one that ends the litigation between two parties by determining all their rights and disposing of all the issues.<sup>136</sup>

The **appellate process** allows the juvenile to have the case brought before a reviewing court after it the juvenile or family court has heard it. Today, the law does not recognize a federal constitutional right of appeal. In other words, the U.S. Constitution does not require any state to furnish an appeal to a juvenile charged and found to be

### final order

Order that ends litigation between two parties by determining all their rights and disposing of all the issues.

### appellate process

Allows the juvenile an opportunity to have the case brought before a reviewing court after it has been heard in juvenile or family court.

# International Delinquency

## Sentencing Practices around the World

In the developed countries of Austria, France, Hungary, Italy, and Switzerland, transfers of juveniles to adult courts are not permissible. Typically, youths can receive an adult sentence under the juvenile court's authority. This situation is also the case in Canada, where, until recently, transfers of juveniles to adult court were allowed. Under the Youth Criminal Justice Act, a procedure allows a juvenile to stay in youth court and be treated as a juvenile. In the case of serious offenses, the juvenile can receive an adult sentence.

The maximum sentence length for juvenile offenders varies considerably across developed countries. Belgium and New Zealand do not allow the sentence of incarceration for youths who appear before juvenile court; instead, youths must be transferred to adult court to receive custodial sentences. Some countries, such as Austria, France, and Italy, specify that sentences cannot exceed one-half or one-third of what an adult would receive for a similar offense. In Italy, juveniles sentenced to custody can receive up to one-third of the same sentence as adults; but, unlike adults, they can be conditionally released at any stage of the sentence, regardless of the amount of time spent in custody.

Aside from the United States, the countries with the harshest sentence for juvenile offenders include Japan and

the Netherlands, where juvenile offenders can receive life-time sentences. In Japan, a life sentence may mean spending between 10 and 15 years in a correctional facility, with or without forced labor, while in the Netherlands, a life sentence may mean serving as much as 20 years. Surprisingly, in Russia, the maximum sentence length for juveniles is 10 years. Russia has extensively used incarceration (or commitment), with 50–60% of all adjudicated juvenile offenders receiving some form of this disposition. On the other hand, Switzerland is the most lenient country: one year is the longest period a juvenile offender can be sentenced to custody, and transfers to adult court are not allowed.

Some least developed and developing countries, known for their harsh sentences for juvenile offenders, have begun to reassess some sentencing policies. Among the harshest, Iran declared a judicial ban on executing offenders who committed criminal acts under age 18. The Human Rights Watch claimed that this ban could save the lives of more than 130 juvenile offenders on death row at the time.

Similarly, Canada, a nation known for its concern for citizens, has significantly changed how it treats young offenders. In 2003, the Youth Criminal Justice Act (YCJA) promoted a

delinquent in a juvenile or family court. Consequently, appellate review of a juvenile case is a matter of statutory right in each jurisdiction. However, most states provide juveniles with some method of statutory appeal.

The appeal process was not always part of the juvenile law system. In 1965, few states extended the right of appeal to juveniles.<sup>137</sup> Even in the *Gault* case in 1967, the Supreme Court refused to review the Arizona juvenile code, which provided no appellate review in juvenile matters. It further rejected a juvenile's right to the original trial record transcript.<sup>138</sup> Today, however, most jurisdictions that permit a child some form of appeal also provide for counsel and securing a record and transcript, which are crucial to any appeal's success.


Because individual statutes define juvenile appellate review, each jurisdiction determines what method of review to use. There are two basic methods of appeal: direct appeal and collateral attack.

The *direct appeal* normally involves an appellate court review to determine whether, based on the evidence presented at the trial, the rulings of law, and the court's judgment were correct. The second major area of review involves the *collateral attack* of a case. The term *collateral* implies a secondary or indirect method of attacking a final judgment. Instead of appealing the juvenile trial because of errors, prejudice, or lack of evidence, *collateral review* uses extraordinary legal writs to challenge the lower-court position. One such procedural device is the **writ of habeas corpus**. Known as the "Great Writ," this device refers to a procedure for determining the validity of a person's custody. In the juvenile court context, the device is used to challenge a child's

### writ of habeas corpus

Judicial order requesting that a person detaining another person produce the body of the prisoner and give reasons for his or her capture and detention.





get-tough approach to juvenile offenders. This approach included measures holding youths accountable for their actions, making it easier to impose adult sanctions on the most serious and violent juvenile offenders, and publishing the offender's identity, again in the most serious cases. Two of its mandates include:

- The youth justice system should consider the interests of victims and ensure accountability through meaningful consequences, rehabilitation, and reintegration.
- The youth justice system should reserve its most serious interventions for the most serious crimes and reduce the over-reliance on incarceration.

Interestingly, the law also established specific guidelines for police discretion in dealing with juvenile offenders. The YCJA also greatly expanded aftercare programs for juvenile offenders. For example, it is now mandatory that all periods spent in an institution be followed by a period of intensive supervision in the community. The law also stipulates the length of supervision time: It must be no less than half the time spent in custody. Thus, a juvenile offender who spends 12 months in an institution must spend 6 months in intensive supervision while in the community. The previous law included no requirements for supervision following a custodial sentence.

Another important change to the juvenile aftercare system this law introduced is several mandatory and optional conditions the judge can impose on the youth as part of supervision orders. Mandatory conditions include keeping the peace and reporting to authorities. Optional conditions include attending school, getting a job, adhering to a curfew, abstaining from alcohol and drugs, and not associating with gang members. Experts report that some of these changes have vastly improved Canada's youth justice system and, importantly, reduced the use of custodial sentences without increasing youth crime.

### Critical Thinking

Could juvenile justice in the United States benefit from incorporating some of the recent changes to international youth justice laws?

SOURCES: Government of Canada, The Youth Criminal Justice Act Summary and Background, 2022 <https://www.justice.gc.ca/eng/cj-jp/yj-jj/tools-outils/back-hist.html>; European Commission (2022) Child-Friendly Justice, 2022 [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/child-friendly-justice\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/rights-child/child-friendly-justice_en); Sibella Matthews, Vincent Schiraldi, and Lael Chester, "Youth Justice in Europe Experience of Germany, the Netherlands, and Croatia in Providing Developmentally Appropriate Responses to Emerging Adults in the Criminal Justice System," *Justice Evaluation Journal* 1 (2018): 1–23; John Winterdyk and Anne Miller, "Juvenile Justice and Young Offenders: A Canadian Overview," in John Winterdyk, ed., *Juvenile Justice: International Perspectives, Models and Trends* (Boca Raton, FL: CRC Press, 2014); Michael Tonry and Anthony Doob, eds., *Youth Crime and Youth Justice: Comparative and Cross-National Perspectives, Crime and Justice: A Review of Research*, Vol. 31 (Chicago: University of Chicago Press, 2004).

custody in detention or an institution. This writ is often the method by which the Supreme Court exercises its discretionary authority to hear cases regarding constitutional issues. Even though there is no constitutional right to appeal a juvenile case, and each jurisdiction provides for appeals differently, juveniles have a far greater opportunity for appellate review today than in the past.

## Confidentiality in Juvenile Proceedings

Along with the rights of juveniles at adjudication and disposition, the issue of **confidentiality** in juvenile proceedings has also received attention in recent years. The debate on confidentiality in the juvenile court deals with two areas: (1) open versus closed hearings and (2) privacy of juvenile records. Confidentiality has become moot in some respects, as many legislatures have broadened access to juvenile records.

**Open vs. Closed Hearings** Generally, juvenile trials are closed to the public and the press, and the names of the offenders are kept secret. The Supreme Court has ruled on the issue of privacy in three important decisions. In *Davis v. Alaska*, the Court concluded that any injury resulting from disclosing a juvenile's record is outweighed by the right to cross-examine an adverse witness completely.<sup>139</sup> The *Davis* case involved an effort to obtain testimony from a juvenile probationer who was a witness in a criminal trial. The Supreme Court held that a juvenile's interest in confidentiality was secondary to the constitutional right to confront adverse witnesses.

### LO7

Compare the pros and cons of confidentiality in juvenile proceedings and privacy of juvenile records

### confidentiality

Restriction of information in juvenile court proceedings in the interest of protecting the privacy of the juvenile.

### *Davis v. Alaska*

This case further limits the juvenile's right to privacy in court proceedings.

**Oklahoma Publishing Co. v. District Court and Smith v. Daily Mail Publishing Co.**

These cases set out to produce a greater balance between individual privacy and freedom of the press in juvenile court proceedings.

The decisions in two subsequent cases, *Oklahoma Publishing Co. v. District Court* and *Smith v. Daily Mail Publishing Co.* sought to balance juvenile privacy with freedom of the press. In the *Oklahoma* case, the Supreme Court ruled that a state court was not allowed to prohibit the publication of information obtained in an open juvenile proceeding.<sup>140</sup> The case involved an 11-year-old boy suspected of homicide, who appeared at a detention hearing where photographs were taken and published in local newspapers. When the local district court prohibited further disclosure, the publishing company claimed that the court order was a restraint in violation of the First Amendment, and the Supreme Court agreed.

The *Smith* case involved the discovery and publication of the identity of a juvenile suspect in violation of a state statute prohibiting publication. The Supreme Court, however, declared the statute unconstitutional. The Court believed the state's interest in protecting the child's identity was not of such magnitude as to justify using such a statute.<sup>141</sup> Therefore, if newspapers lawfully obtain pictures or names of juveniles, they may publish them. Based on these decisions, it appears that the Supreme Court favors the constitutional rights of the press over the right to privacy of the juvenile offender.

None of the decisions, however, give the press or public access to juvenile trials. Some jurisdictions still bar the press from juvenile proceedings unless they show at a hearing that their presence will not harm the youth. However, the trend has been to make it easier for the press and the public to have open access to juvenile trials. Some have amended their juvenile code to allow public access to juvenile hearings in cases in which a juvenile is charged with certain designated felonies, such as kidnapping and attempted murder. Others have passed legislation that makes juvenile proceedings public with the hope that allowing names and photos in newspapers will discourage teen crime and alert school officials of which students are in trouble with the law. Others have granted public access to court proceedings and documents in cases involving delinquents, truants, runaways, and abuse victims. In recent years, many jurisdictions have amended their laws to provide greater juvenile courts openness.<sup>142</sup>

**Privacy of Juvenile Records** For most of the twentieth century, juvenile records were kept confidential.<sup>143</sup> Today, the record itself, or information contained in it, can be opened by court order in many jurisdictions based on the statutory exception. The following groups can ordinarily gain access to juvenile records: law enforcement personnel, the child's attorney, the parents or guardians, military personnel, and public agencies such as schools, court-related organizations, and correctional institutions.

Most states recognize the importance of juvenile records in sentencing. Many first-time adult offenders committed numerous crimes as juveniles, and evidence of these crimes may not be available when sentencing for adult offenses unless states pass statutes allowing access. Knowing a defendant's juvenile record may help prosecutors and judges determine the appropriate sentencing for offenders ages 18 to 24, the age group most likely to be involved in violent crime.

According to experts, the need for confidentiality to protect juveniles is far less than the need to open up the courts to public scrutiny.<sup>144</sup> Maintaining confidentiality of juvenile records will become more acute in the future as electronic information storage makes these records more durable and more accessible.

In conclusion, virtually every state provides prosecutors and judges with access to the juvenile records of adult offenders. There is great diversity, however, regarding provisions for collecting and retaining juvenile records.<sup>145</sup>

## **Future of the Juvenile Court**

The future of the juvenile court is subject to wide-ranging and sometimes contentious debate. Some experts, including legal scholar Barry Feld, believe that over the years, the juvenile justice system has taken on more of the characteristics of the adult courts.

Feld refers to this process as the “criminalizing” of the juvenile court, or in a more stern admonition: the reality is that *treating* juveniles closely resembles *punishing* adult criminals.<sup>146</sup> If the legal differences between the juvenile and criminal systems continue to narrow, is there really a need for a juvenile court?<sup>147</sup>

Other juvenile justice experts contend that, despite these limitations, the treatment programs the modern juvenile court currently provides play a central role in society’s response to the most serious delinquents.<sup>148</sup> This system comes with several specific responsibilities that juvenile courts must assume to ensure that these programs are indeed effective. These include awareness of the most up-to-date scientific evidence on the effectiveness of court-based programs, diversion of cases that can be handled informally outside the system, disposition of cases to appropriate programs, and quality control.<sup>149</sup>

Another important issue facing the juvenile court system is the racial divide in court’s waiver, adjudication, and disposition phases. There is almost overwhelming evidence of racial, ethnic, and gender disparity in many phases of juvenile justice, which must be addressed.<sup>150</sup>

The influential Anna E. Casey foundation has made it clear that ending disproportionate minority representation in the juvenile justice system is a national priority: Youth of color, especially black youth, are subject to harsher treatment than white youth at almost every stage of juvenile justice. Black youth, 15% of all youth in the United States, were overrepresented at every stage:

- 35% of youth referred to juvenile courts for delinquency;
- 37% of youth formally petitioned in court;
- 40% of youth placed in pretrial detention;
- 42% of youth committed to residential placement; and
- 52% of youth waived to stand trial as adults in criminal court.<sup>151</sup>

Moreover, research consistently has found that offending rates differ only modestly by race and ethnicity for most offense categories. Differences in behavior cannot fully explain the overrepresentation of youth of color in the justice system.<sup>152</sup>

There have been efforts to change and improve the system to reduce racial disparity. Most importantly, the 1988 Federal Juvenile Justice and Delinquency Protection Act’s Disproportionate Minority Contact amendment requires that states reduce minority overrepresentation in the juvenile justice system; states failing to do so stand to lose 20% of their federal grant allocation for the year. This goal has achieved only limited success.<sup>153</sup>

Attempts to decrease the use of detention for youths, such as the Juvenile Detention Alternatives Initiative, have yielded success for white youth. However, they have increased the likelihood of detention of Black youth and caused overall greater system contact for minorities relative to white youth.<sup>154</sup> Achieving racial equality and fairness is still the most important future goal of the juvenile court.

## Summary

### **LO1** Discuss the roles and responsibilities of the main players in the juvenile court

- Prosecutors, judges, and defense attorneys are the key players in juvenile court. The juvenile prosecutor is the attorney responsible for bringing the state’s case against the accused juvenile.
- The juvenile judge must ensure that the children and families before the court receive the proper help.
- Defense attorneys representing children in the juvenile court play an active and important part in virtually all stages of the proceedings.

**LO2 Identify key issues of the pre-adjudicatory stage of juvenile justice, including detention, intake, diversion, pretrial release, plea bargaining, and waiver**

- Many decisions about what happens to a child may occur before adjudication.
- Due to personnel limitations, the juvenile justice system cannot try every child accused of a crime or status offense. Therefore, diversion programs seem to hold greater hope for the control of delinquency.
- As a result, such subsystems as statutory intake proceedings, plea bargaining, and other informal adjustments are essential ingredients in the administration of the juvenile justice system.

**LO3 Compare the pros and cons of transferring youths to adult court**

- Each year, thousands of youths are transferred to adult courts because of the seriousness of their crimes. This process, known as waiver, is an effort to remove serious offenders from the juvenile process and into the more punitive adult system.
- Most juvenile experts oppose waiver because it clashes with the rehabilitative ideal.
- Supporters argue that its increased use can help get violent juvenile offenders off the street, and they point to studies showing, for the most part, that transfer is reserved for the most serious cases and the most serious juvenile offenders.

**LO4 Explain key issues of the trial stage of juvenile justice, including constitutional rights of youths and disposition**

- Most jurisdictions have a bifurcated juvenile code system that separates the adjudication and dispositional hearings.
- Juveniles alleged to be delinquent have virtually all the constitutional rights given to a criminal defendant at trial—except possibly the right to a trial by jury.

- Juvenile proceedings are generally closed to the public.

**LO5 Appraise the major U.S. Supreme Court decisions that have influenced the handling of juveniles at the pre-adjudicatory and trial stages**

- *In re Gault* is the key legal case that established the basic requirements of due process that must be satisfied in juvenile court proceedings.
- In *Roper v. Simmons*, the Supreme Court ruled that the death penalty for juveniles is prohibited because it constitutes cruel and unusual punishment.
- In *Montgomery v. Louisiana*, the Supreme Court ruled that all juveniles sentenced to life without parole have the right to seek parole.

**LO6 Discuss the most common dispositions for juvenile offenders**

- The major categories of dispositional choice in juvenile cases include probation, community release, out-of-home placements, and institutionalization.
- Although the traditional notion of rehabilitation and treatment as the proper goals for disposition is being questioned, many juvenile codes do require that the court consider the least-restrictive alternative.

**LO7 Compare the pros and cons of confidentiality in juvenile proceedings and privacy of juvenile records**

- Many state statutes require that juvenile hearings be closed and that the privacy of juvenile records be maintained.
- This is done to protect the child from public scrutiny and provide a greater rehabilitation opportunity.
- This approach may be inconsistent with the public's interest in taking a closer look at the juvenile justice system.

## Key Terms

juvenile defense attorney, p. 518

public defender, p. 519

guardian *ad litem*, p. 520

Court Appointed Special Advocates (CASA) p. 520

juvenile prosecutor, p. 520

juvenile court judge, p. 521

detention, p. 523

shelter care, p. 524

bail, p. 526

preventive detention, p. 526

diversion, p. 526

widening the net, p. 527

petition p. 528

intake, p. 529

consent decree, p. 530

plea bargaining, p. 530

transfer process p. 531

transfer hearing, p. 533

due process, p. 535

*In re Winship*, p. 537

least detrimental alternative, p. 540

indeterminate sentence, p. 540

individualized treatment model, p. 540

determinate sentence, p. 540

mandatory sentence, p. 541

*Roper v. Simmons*, p. 541



## Questions for Discussion

1. Discuss and identify the major participants in the juvenile adjudication process. What are each person's roles and responsibilities during a juvenile trial?
2. The criminal justice system in the United States is based on the adversarial process. Does the same adversary principle apply in the juvenile justice system?
3. Children have certain constitutional rights at adjudication, such as the right to an attorney and to confront and cross-examine witnesses. But they do not have the right to a trial by jury. Should juvenile offenders have a constitutional right to a jury trial? Should each state make that determination? Discuss the legal decision that addresses this issue.
4. What is the point of obtaining a predisposition report in the juvenile court? Is it of any value in cases where the child is released to the community? Does it have a significant value in serious juvenile crime cases?
5. The standard of proof in juvenile adjudication is to show that the child is guilty beyond a reasonable doubt. Explain the meaning of this standard of proof in the U.S. judicial system.
6. Should states adopt get-tough sentences in juvenile justice or adhere to the individualized treatment model?
7. What are blended sentences?
8. Do you agree with the Supreme Court's 2005 ruling that prohibits the death penalty for juvenile offenders?

## Viewpoint

Cliff is a 16-year-old Caucasian youth being raised by his grandparents in a small rural community. He and his younger sisters were removed from their parental home when Cliff was 7 due to domestic violence and parental drug abuse. Although Cliff was well cared for by his grandparents, he engaged in several delinquent behaviors. He was charged with disorderly conduct for breaking windows in the family home and threatening to physically assault his grandfather. Cliff was doing poorly in school; his grades dropped dramatically, and concerned family members worried he was using drugs.

Cliff began dating a girl he met at school, but her parents did not approve and refused to let her go out with him. Upset about the situation, Cliff reacted by taking his anger out on his family and threatening suicide. They immediately contacted the police, who brought the case to county social services. Cliff was hospitalized for an evaluation and diagnosed with bipolar disorder. Because he was considered a risk to himself, his family, and the community, he was removed from the family home and placed in a secure detention family.

While in detention, Cliff got involved in an incident that would change his life. He and other inmates were participating in some good-natured horseplay, a bout of wrestling with some of the correctional officers, a way

for both the juvenile inmates and correctional officers to let off some steam and pass the time. No one was supposed to get hurt, and it was just for sport. Although correctional officers were prohibited from engaging in such "inappropriate contact," inmates such as Clifford reported that wrestling between guards and inmates took place all the time. Things were fine until a correctional officer, William Jackson, died while wrestling with Clifford. Jackson was in a headlock when Clifford kned him in the chest. The coroner determined that Jackson died of a "cardiac rhythm disturbance caused by a blow to the abdomen" and ruled his death a homicide.

Although the two had gone to the recreation room voluntarily and there were no threats of anger present, the prosecutor did not take this incident lightly, charging Clifford with murder and felonious assault. If convicted, Clifford could have faced a life sentence without the possibility of parole. However, at a waiver hearing, the judge considered that the correctional officers had organized the wrestling matches, the death was unintentional, and Clifford was in detention to protect him from others. The judge denied the waiver request, instead ordering a mental health assessment and treatment. As a result, Cliff was referred to the Functional Family Therapy (FFT) intervention.

The FFT program had three phases that targeted juvenile delinquents and their families. During FFT intervention, other services to the family stop so the family can focus on the FFT process and plan. During the program's first phase, attempts are made to engage and motivate all family members to participate in the process. Also during this initial phase, the family therapists focus on redefining the problem (Cliff's problematic behavior and mental health concerns) as a family issue and encouraging family members to view the issues in a new light. Everyone has a part in the problem and thus in the solution. In the second phase, the therapists work to help the family change their behaviors. They create real and obtainable goals and help increase the family's problem-solving skills. This process again takes the focus off the adolescent and distributes the responsibility among all family members. In the last phase, the therapists worked with Cliff's family to generalize their new skills to many different situations.

The FFT therapists worked with Cliff's family for four months and then did follow-up calls at 6 and 12 months. They saw a reduction in Cliff's problematic behavior and criminal activity and fewer calls to the police throughout the intervention.

## Critical Thinking

1. How do you think this case might have ended if Cliff had initially been placed in detention?
2. How should the juvenile justice system handle cases where adolescents suffer from significant mental health issues and commit crimes? How might a teen's mental health issues affect his behavior and his ability to understand the consequences of this behavior? Should mental health treatment be court ordered? Should juvenile probation officers be required to have a solid understanding of mental health issues?
3. The Functional Family Therapy (FFT) approach takes the focus of the intervention off the adolescent and places responsibility on the entire family to create solutions. Why do you think it works for many juveniles involved in the justice system? What are your concerns about this approach? Do you think there are some situations where this type of intervention may not be appropriate or successful? Why?

## Doing Research on the Web

Some websites that can help you make your decision are listed here. The American Bar Association's Juvenile Justice Committee (<http://apps.americanbar.org/dch/committee.cfm?com=CR200000>) is the focal point of research on and advocacy for juvenile justice issues.

The OJJDP Statistical Briefing Book (SBB) (<http://www.ojjdp.gov/ojstatbb/>) enables users to access online information to learn more about juvenile crime and victimization and about youth involved in the juvenile justice system.

The American Youth Policy Forum's (<http://www.aypf.org/>) mission is to broaden policy makers' awareness and understanding and strengthen the youth policy-making process by bridging policy, practice, and research.

The Children's Research Center (CRC) (<http://www.nccdglobal.org/what-we-do/major-projects/children-s-research-center>) was established to help federal, state, and local child welfare agencies reduce child abuse and neglect by developing case management systems and conducting research that improves service delivery to children and families.

## Notes

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# Juvenile Corrections:

## Probation, Community Treatment, and Institutionalization

### Learning Objectives

- 1** Contrast community treatment and institutional treatment for juvenile offenders
- 2** Explain the disposition of probation, including how it is administered and by whom, and recent trends in its use
- 3** Discuss new approaches for providing probation services to juvenile offenders and comment on their effectiveness in reducing recidivism
- 4** Illustrate key historical developments of secure juvenile corrections in this country, including the principle of least restrictive alternative
- 5** Discuss recent trends in the use of juvenile institutions for juvenile offenders and how their use differs across states
- 6** Identify key issues facing the institutionalized juvenile offender
- 7** Appraise the effectiveness of various juvenile correctional treatment approaches in use today
- 8** Discuss juvenile offenders' legal right to treatment
- 9** Explain the nature of aftercare for juvenile offenders and comment on recent innovations in juvenile aftercare and reentry programs

### Chapter Outline

#### Community vs. Secure Treatment

##### Juvenile Probation

Historical Development  
Contemporary Juvenile Probation  
Future Directions

##### Intermediate Sanctions: Probation Plus

Intensive Supervision  
House Arrest/Electronic Monitoring  
Restorative Justice  
Restitution  
Residential Community Treatment

#### Secure Corrections

History of Juvenile Institutions  
Juvenile Institutions Today: Public and Private  
The Institutionalized Juvenile  
Gender Differences

#### Correctional Treatment for Juveniles

Legal Rights While in Treatment

#### Juvenile Aftercare and Reentry

Supervision  
Aftercare Revocation Procedures

#### Future of Juvenile Corrections

### Chapter Features

**Professional Spotlight:** Suki Chen, Residential Counselor at the St Anne Institute

**Focus on Delinquency:** Future Directions for Probation

**Treating Delinquency:** Multidimensional Treatment Foster Care (MTFC)

**International Delinquency:** Incarcerated Juveniles Abroad

**Treating Delinquency:** Serious and Violent Offender Reentry Initiative (SVORI)



**Not long after he had** arrived at the Youth Correctional Facility, Joseph Moldaur, age 15, was found dead in his cell. Corrections officers found his limp body on the lower bunk with sheets wrapped around his neck and tied to the upper bunk, an apparent suicide. The officers entered the cell, having been alerted to a potential problem upon discovering that Joseph's cell window was covered with paper, preventing anyone from seeing inside. A medical team was dispatched, but they could not revive Joseph; he was pronounced dead one hour later. This event was not isolated. Joseph's suicide was one of five suicide deaths inside the juvenile correctional system over 18 months; all the youths were 16 and under.

After his death, his family claimed that Joseph's suicide could have been prevented if proactive help had been provided. They stated that Joseph asked for psychological counseling four times, and his request was denied each time. He had sought counseling because he was depressed and troubled over his recent transfer to what is considered the worst and toughest institution in the state. A strict regime was instituted to help quell violent outbursts between rival street gang members who had formed bands within the institution. Like Joseph, kids who were not gang affiliated were in constant fear.

In truth, Joseph had no business being sent to this high-security locked facility. He had been found delinquent twice before, after repeatedly being caught selling marijuana and other illegal substances to underage youth in his high school. Both times, he had been placed on probation. Despite being warned by his probation officer that this was his last chance and told by the judge, "I never want to see you here again," he continued to deal to his regulars; Joseph was also using. Caught in the act by a school resource officer, Joseph was given a six-month sentence by an exasperated juvenile court judge.

Due to an administrative error, his visitors' list (a list of family members and others who can offer support) was not sent when Joseph was transferred. In addition, an eight-week lockdown of the ward where Joseph resided was initiated due to gang violence, further blocking any contact with family members. Since Joseph was both young and nonviolent, there was suspicion that older, bigger inmates were physically and sexually abusing him. In its official report on the suicide, the Inspector General



Bob Daemrich/Alamy Stock Photo

ruled that Joseph's death may have been entirely preventable had he been given proper care, protection, and counseling.

Out of these tragedies has come some good. The Family Connection and Young Offender Rehabilitation Act became law a year after Joseph's death. The act mandates that the state Department of Corrections and Rehabilitation's Division of Juvenile Justice ensure that young inmates can "communicate with family members, clergy, and others, and to participate in programs that will facilitate his or her education, rehabilitation, and accountability to victims." The act also requires that several practical steps be taken to improve contact between family members and inmates, such as establishing a toll-free number for families to confirm visiting times, and considering the proximity of family when placing a juvenile offender in an institution. A settlement was reached in a wrongful-death suit filed by the family against state correctional authorities.

How should the system treat someone like Joseph who has had chances to be helped in the community but continues to violate the law repeatedly? While a high-security juvenile facility is no place for him, given his personal traits, what else could have been done to help Joseph turn his life around? Is community-based treatment a possibility for someone like Joseph?

Joseph's sad story highlights the importance of correctional treatment for juvenile offenders. And his experience is certainly not unique. There are many actual cases similar to Joseph's.<sup>1</sup> While the stated goal of the juvenile justice system is to provide treatment, support, and rehabilitation, all too often, placement in the juvenile correctional system can have the opposite effect.

## Community vs. Secure Treatment

### community treatment

refers to efforts to provide care, protection, and treatment for juveniles while they remain in the community and reside with parents or guardians. This approach can involve nonsecure and noninstitutional residences, counseling services, victim restitution programs, and other community services to treat juveniles in their own communities.

When dealing with someone like Joseph, a wide array of correctional treatments are available. They can be subdivided into two major categories: community treatment and institutional treatment. **Community treatment** refers to efforts to provide care, protection, and treatment for juveniles in need. These **nonresidential programs** allow adjudicated delinquent youths to remain in their homes, typically monitored by the county probation department while receiving counseling, education, employment, diagnostic, and casework services. Some youths require multiple treatment modalities, including family therapy, educational tutoring, substance abuse counseling, and job placement. These multisystemic programs are often modeled on the Provo experiment, begun in 1959 in Utah, and on the Essexfields Rehabilitation Project, started in the early 1960s in Essex County, New Jersey.<sup>2</sup>

In some instances, community corrections include additional forms of restraint and sanction, including requiring the juvenile offender to wear an electronic monitor, be under house arrest, and make restitution to the victim. Community treatment can also involve out-of-home treatment in privately maintained residences, including

## Professional Spotlight

### Suki Chen, Residential Counselor at the St Anne Institute

After graduating with her bachelor's degree in criminal justice and psychology, Suki Chen began work as a residential counselor at St. Anne Institute, a private, not-for-profit, secular, residential, preventive, and educational service agency committed to providing care and rehabilitation services to girls and young women, and their families. Children and students are in residence, and outpatient services are available. The institute has a preschool, educational programs, a shelter for runaway and homeless youth, a treatment program specializing in sex-abuse prevention and intervention, and mental health services for adults and children.

Suki was paired with a group of young residents as a residential counselor. She met with them in one-to-one sessions to talk about the week, any issues they had, any trouble they were in, or whatever they wanted. The girls would have a set day every week where they had to deep clean their rooms and the unit. She and the other advisors would also host a daily hour-long mandatory group session where practical life issues, such as how to behave at job interviews, were discussed. At these sessions, the staff would share their personal

experiences; for example, in this case, they shared about their job and college interviews. Some sessions focused on problems encountered in the facility; for instance, if the counselors noticed the girls were engaging in unhealthy eating habits, the staff would discuss a better diet. The girls could also request a topic to discuss, and, in one instance, they asked for a group to discuss race and sexuality. Some sessions were devoted to crafts and skills, such as jewelry making and cooking. When the weather cooperated, they would have outdoor sessions on some days because the girls hated being stuck inside. They'd also take them outside to the courtyard or on a walk. On the weekend, staff might go on outings such as the YMCA, bowling, hiking, picnics, and the museum. Then after dinners and showers, the girls have free time before bedtime.

Suki found her first month at work somewhat confusing; she was unsure how to approach her job. She mostly kept the girls in a routine, supervised them, and helped them get through the day. She found it wasn't a job where you could learn everything up front and apply it effectively. A lot of it

foster homes, small-group homes, and boarding schools located in the community. The following Professional Spotlight tells the story of a young residential counselor in a privately run treatment facility.

In contrast, placement in a secure correctional facility is an option, especially when the juvenile court judge considers the case extremely serious. The judge has to decide whether the offender is amenable to community or nonsecure residential treatment. Secure treatment facilities are correctional centers that restrict residents' movement through staff monitoring, locked exits, and interior fence controls. Juvenile correctional centers are typically one of the following:

- (1) reception centers that screen juveniles and assign them to an appropriate facility,
- (2) specialized facilities that provide specific types of care, such as drug treatment,
- (3) training schools or reformatories for youths needing a long-term secure setting,
- (4) ranch or forestry camps that provide long-term residential care, and
- (5) boot camps, which seek to rehabilitate youths through rigorous physical training.

Choosing the proper mode of juvenile corrections can be difficult. Some more liberal experts believe that community treatment programs are the only hope for rehabilitating juvenile offenders and resolving juvenile crime problems. Institutionalizing young offenders may do more harm than good.<sup>3</sup> Secure confinement exposes youths to prison-like conditions and to more-experienced delinquents without giving them the benefit of constructive treatment programs. The experience produces more harm than good.<sup>4</sup>

Those who favor a more conservative approach counter that violent young offenders threaten the community, so being placed in a juvenile institution may

### nonresidential programs

Juveniles remain in their own homes but receive counseling, education, employment, diagnostic, and case-work services through an intensive support system.



is trial and error, and she had to learn as she went along. A major skill to learn was how to interact effectively with the girls. Personality-wise, she admits, she was blunt, did not show emotion, and avoided small talk. She was the kind of person who did not say much unless she had something important to say. Her personality traits became abundantly clear when she attended TCI (therapeutic crisis intervention) training and often struggled with what to say.

She found that working with teenagers can be challenging. Imagine working with teenagers with trauma or a developing brain interrupted by stress. It is difficult because the situations can change within seconds. The days could be a rollercoaster of emotions. She always enjoyed days without crisis, where everything was routine and she could hang out with the girls. The most rewarding part of the job was building a bond with her young charges. She says they look happy to see her when she gets to work. When they're not feeling okay, they look for her to talk it out. Being someone's "favorite staff" makes you feel like you did something right.

On the flip side, some struggles came with the job. For one, the agency downsized due to the pandemic and never recovered. They were constantly short-staffed, and she was

usually one of two staff on the unit; the other was a supervisor who had to come and go. So, while the girls on her unit were generally well-behaved and didn't experience crisis as much as in other units, being the only staff on the floor still was not easy. She could only respond to one crisis at a time. Spreading one staff person's attention among fourteen girls was not efficient; inevitably, some girls felt unheard. And, of course, for all this responsibility, staff were typically underpaid.

Another struggle was maintaining authority over the girls in her group while being friendly. Being too lenient resulted in a lack of authority; being too strict reduced meaningful interactions. In reality, the girls were in a residential institution with rules and regulations. Suki wished she had figured out a way to interact that made the girls comfortable while she could also be assertive.

Her experience at St. Ann's taught Suki Chen that believing she could immediately impact troubled girls was wishful thinking. In reality, she was only a tiny part of what was happening. More often than not, the issues truly bothering group members were not something a counselor could address. No counselor can make the courts move faster or undo the backlog in the system.

### suppression effect

A reduction in the number of arrests per year for youths who have been incarcerated or otherwise punished.

have a long-term deterrent effect. They point to what has been identified as the **suppression effect**—reduced recidivism following release from a secure facility. Deterrence and suppression are rarely achieved when juveniles are placed in less-punitive programs.<sup>5</sup> In essence, the juvenile-justice system must choose which outcome is more important: concern and protection for potential victims of crime or care and protection for needy youths. Though violence rates have dropped for a decade, they skyrocketed during the COVID epidemic when kids were home from school and tensions were high. If community safety is the goal, then institutionalization, or the threat of institutionalization, is desirable. Nonetheless, as we shall see, the liberal approach now predominates: secure juvenile populations are significantly declining.

We begin this chapter with a detailed discussion of community treatment, examining both traditional probation and new approaches for providing probation services to juvenile offenders. Next, we trace the development of alternatives to incarceration, including community-based, nonsecure treatment programs and graduated sanctions (programs that provide community-based options while reserving secure care for violent offenders). The current state of secure juvenile corrections is then reviewed, beginning with some historical background, followed by a discussion of life in institutions, treatment issues, legal rights, and aftercare and reentry programs.

### LO2

Explain the disposition of probation, including how it is administered and by whom, and recent trends in its use

### probation

Nonpunitive, legal disposition for juveniles emphasizing community treatment in which the juvenile is closely supervised by an officer of the court and must adhere to a strict set of rules to avoid incarceration.

## Juvenile Probation

**Probation** and other forms of community treatment generally refer to nonpunitive legal dispositions for delinquent youths, emphasizing treatment without incarceration. Probation is the juvenile justice system's primary form of community treatment. A juvenile on probation is maintained in the community under the supervision of an officer of the court. Probation also encompasses rules and conditions the offender must meet to remain in the community. Juveniles on probation may be placed in various community-based treatment programs that provide services ranging from group counseling to drug treatment.

Probation assumes that most juvenile offenders are not a danger to the community and have a much better chance of being rehabilitated within the community while living at home than if placed in a more secure setting. Probation provides juvenile offenders with the opportunity to be supervised by trained personnel who can help them reestablish forms of acceptable behavior in a community setting. When applied correctly, probation

- (1) maximizes the liberty of the individual while vindicating the authority of the law and protecting the public,
- (2) promotes rehabilitation by maintaining normal community contacts,
- (3) avoids the negative effects of confinement, which often severely complicate the reintegration of the offender into the community, and
- (4) greatly reduces the financial cost to the public.<sup>6</sup>

## Historical Development

Although significant developments in probation have occurred in the twentieth century, its roots go back much further. Specialized procedures for dealing with youthful offenders in England were recorded as early as 1820. Magistrates of the Warwickshire quarter sessions (periodic court hearings held in a county, or shire, of England) adopted the practice of sentencing youthful criminals to prison terms of one day, then releasing them conditionally under the supervision of their parents or masters.<sup>7</sup>

In the United States, juvenile probation developed as part of the wave of social reform characterizing the latter half of the nineteenth century. Massachusetts took



the first step. Under an act passed in 1869, an agent of the state board of charities was authorized to appear in criminal trials involving juveniles, find suitable homes, and visit them periodically. These services soon expanded so that by 1890, probation had become a mandatory part of the court structure.<sup>8</sup>

Probation was a cornerstone in developing the juvenile court system. In fact, in some states, supporters of the juvenile court movement viewed probation as the first step toward achieving the benefits the new court intended to provide. The rapid spread of juvenile courts during the first decades of the twentieth century encouraged the further development of probation. The two were closely related, and to a large degree, both sprang from the conviction that young people could rehabilitate and the public was responsible for protecting them.

**Probation and Community Treatment** By the mid-1960s, juvenile probation had become a complex institution that touched the lives of an enormous number of children. Many experts considered institutionalizing even the most serious delinquent youths a mistake. Reformers believed that confinement in a high-security institution could not solve the problems that brought a youth into a delinquent way of life. Instead, placement in secure confinement could actually help amplify delinquency once the youth returned to the community.<sup>9</sup> Surveys indicated that 30–40% of adult prison inmates had prior experience with the juvenile court, and many had been institutionalized as youths; these results gave little support to the argument that an institutional experience could be beneficial or reduce recidivism.<sup>10</sup> The expansion of community programs was energized by correctional reform in the Commonwealth of Massachusetts. Since the early 1970s, Massachusetts has led the movement to keep juvenile offenders in the community. After decades of documenting the failures of the youth correctional system, Massachusetts, led by its juvenile correctional commissioner Jerome Miller, closed most of its secure juvenile facilities and relied on probation programs and other community-based services.<sup>11</sup> Today, the Massachusetts Department of Youth Services still relies on the community-based correctional system.

The Massachusetts model encouraged the development of nonpunitive programs, which have proliferated across the nation.

## Contemporary Juvenile Probation

Traditional probation is still the backbone of community-based corrections. However, reflecting the decade-long decline in juvenile arrests and court appearances, the number of youth placed on probation annually has declined by more than 60% since 2005, from 346,000 to less than 150,000 today.<sup>12</sup> Despite this decrease in volume, the proportion of adjudicated cases that received probation remains the same, about 65%. The decline in probation sentences reflects falling delinquency rates and not reduced enthusiasm for this type of community sentencing.

Here are the arguments in favor of probation:

- Keeping young people at home is better than placing them in a secure facility with older delinquents.
- Probation allows the court to tailor a program to each juvenile offender, including those involved in person-oriented offenses.
- The justice system continues to have confidence in rehabilitation while accommodating demands for legal controls and public protection, even when caseloads may include many more serious offenders than in the past.
- Probation is the most appropriate disposition for status offenders who should never be placed in secure confinement with delinquent youth.<sup>13</sup>

### conditions of probation

The rules and regulations mandating that a juvenile on probation behave in a particular way.

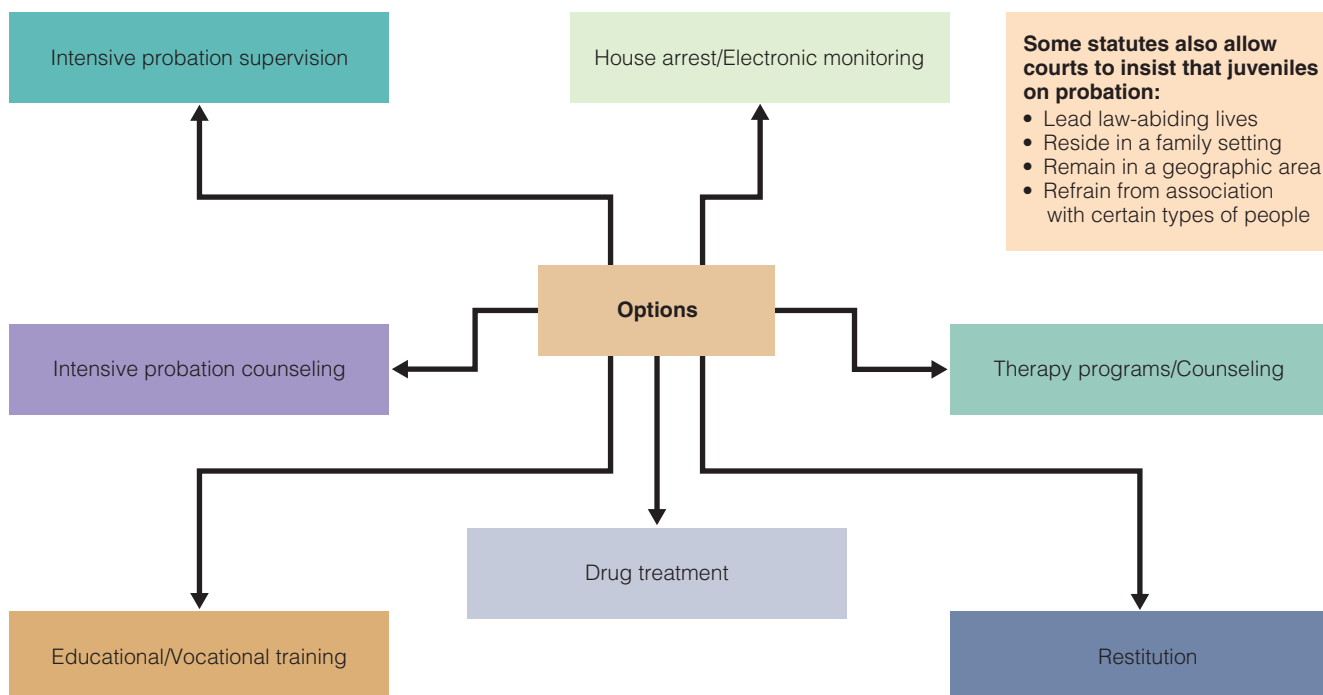
**The Nature of Probation** In most jurisdictions, probation is a direct judicial order that allows a youth who is found to be a delinquent or status offender to remain in the community under court-ordered supervision. A probation sentence implies a contract between the court and the juvenile, most typically a white male adjudicated for a non-serious drug-related offense. To remain in the community and reside at home while receiving treatment, the juvenile promises to follow a set of rules the court mandates. If the youth violates these **conditions of probation**—and especially if the juvenile commits another offense—probation may be revoked. In that case, the contract is terminated, and the youth may be placed in confinement. The rules of probation vary, but they typically involve conditions such as attending school or work, keeping regular hours, remaining in the jurisdiction, avoiding criminal peers, and staying out of trouble.

Depending on the jurisdiction statutes, the offense's seriousness, and the juvenile's adjustment on probation, youths can remain under supervision until the court no longer has jurisdiction over them (when they reach the age of majority). State statutes may also indicate when a juvenile may be placed under an order of probation. In most jurisdictions, probation status is reviewed regularly to ensure that a juvenile is not needlessly supervised. Generally, discretion lies with the probation department to ask the court discharge youths who have adjusted to the treatment plan.

Probation comes with rules and conditions that help control the juvenile's behavior in the community. Some are general rules. These are mandated by state statutes that require all probationers to lead law-abiding lives, attend school, avoid drugs and alcohol, refrain from associating with delinquent peers, avoid contact with the victim and their family, and remain in a particular area unless they have permission to leave. In some cases, probationers are given a set of rules tailored to their individual needs. These special rules may require them to attend counseling and/or participate in specific therapeutic, educational, or vocational training programs.

Figure 15.1

### Conditions of Probation



Although probation rules vary, they cannot be capricious, cruel, or beyond the juvenile's capacity to fulfill. Furthermore, probation conditions should relate to the crime committed and the youth's conduct. Courts have invalidated probation conditions that were harmful or that violated the juvenile's due process rights. Restricting a young person's movement, insisting on a mandatory program of irrelevant treatment, or ordering terms of probation that exceed statutory limits are grounds for appellate court review. Courts have ruled in some cases that it would not be appropriate for a probation order to bar a youth from visiting their girlfriend (unless threats or harm had occurred) merely because parents objected to the relationship.<sup>14</sup> However, courts have ruled that it is permissible to bar juveniles from such sources of danger as a "known gang area" to protect them from harm.<sup>15</sup>

If a youth violates the probation conditions—especially if the juvenile commits another offense—the court can revoke probation. This is called a technical violation. In this case, the probation contract is terminated, the original commitment order enforced, or some other sanction created; it is also possible to maintain the youth on probation with closer supervision.

The juvenile court judge ordinarily bases the decision to revoke probation upon the probation officer's recommendation. The Supreme Court has ruled that adult probationers have a right to counsel at probation revocation hearings. By implication, a juvenile is also entitled to legal representation and a hearing when a probation violation occurs.<sup>16</sup>

**Duties of Juvenile Probation Officers** The **juvenile probation officer** plays an important role in the justice process, beginning with intake and continuing throughout the period a juvenile is under court supervision. Their role is so important and influential that much research has been generated about how juvenile probation officers perform their duties, including their approach to treatment and punishment.<sup>17</sup>

Probation officers are involved at four stages of the court process. At *intake*, they screen complaints by deciding to adjust the matter, refer the juvenile to an agency for service, or refer the case to the court for judicial action. During the *predisposition* stage, they participate in release or detention decisions. At the *postadjudication* stage, they help the court reach its dispositional decision. During *postdisposition*, they supervise juveniles placed on probation.

At intake, the probation staff has preliminary discussions with the juvenile and the family to determine whether court intervention is necessary or whether some social service can better resolve the matter. Suppose the juvenile is placed in a detention facility. In that case, the probation officer helps the court decide whether the juvenile should continue to be held or released pending the adjudication and disposition of the case.

The probation officer exercises tremendous influence over the youth and their family by developing a **social investigation report** (also called a **predisposition report**) for the court. This diagnosis of the youth's problems reflects an evaluation of social functioning, personality, and environmental issues. It includes an analysis of the child's feelings about their illegal behavior and their capacity for change. It also examines the influence of family members, peers, and other environmental influences in producing and possibly resolving the problems. This information is brought together in a complex but meaningful picture of the offender's personality, problems, and environment. After that, this report shapes the direction and content of the court's assistance program.<sup>18</sup>

Juvenile probation officers also monitor supervision and treatment implementation. Treatment plans vary in terms of approach and structure. Some juveniles simply report to the probation officer and follow the probation conditions. Others are referred to social service agencies, such as a drug treatment center, clinical psychologist, or social worker. Figure 15.2 provides an overview of the juvenile probation officer's sphere of influence, and Exhibit 15.1 summarizes the probation officer's duties. Performance of such a broad range of functions requires thorough training.

And similar to other elements of justice, probation supervision has been influenced by the COVID pandemic. The pandemic altered and, in some cases, limited face-to-face contact with probationers.<sup>19</sup>

#### **juvenile probation officer**

Officer of the court involved in all four stages of the court process—intake, predisposition, postadjudication, and postdisposition—who assists the court and supervises juveniles placed on probation.

#### **social investigation report or predisposition report**

Developed by the juvenile probation officer, this report consists of a clinical diagnosis of the juvenile and their need for court assistance, relevant environmental and personality factors, and any other information that would assist the court in developing a treatment plan for the juvenile.

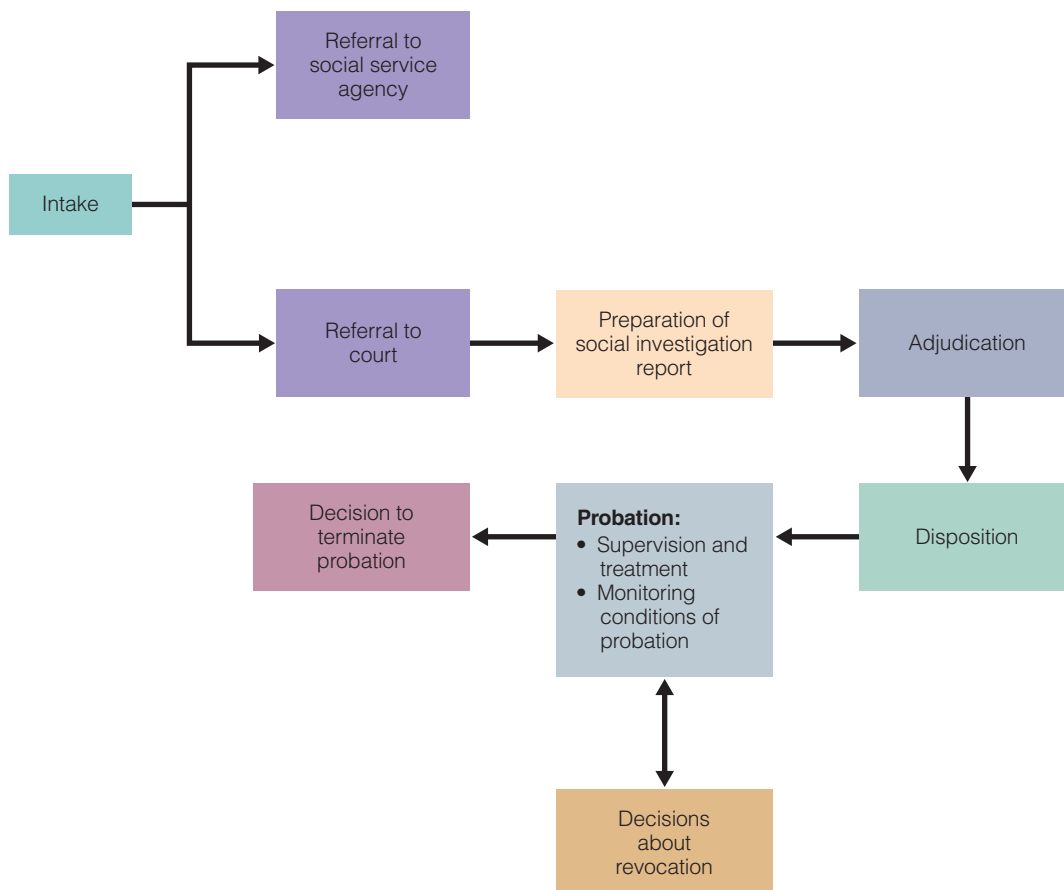


Figure 15.2

## The Juvenile Probation Officer's Influence

### Future Directions

While probation remains the community sentence of choice, there is still room for improvement and problems to address. For instance, regardless of race, age, gender, and charge severity, the more probation-required programs and probation-supervision conditions youth are assigned, the more likely they are to violate probation rules. Having a strict curfew and being required to attend education, mental health, and drug programs all decrease the time to a technical violation. One reason is that it may be difficult for probation staff to identify underlying problems and refer probationers to the proper treatment protocol.<sup>20</sup>

## Exhibit 15.1

### Duties of the Juvenile Probation Officer

- Provide direct counseling and casework services
- Interview and collect social service data
- Make diagnostic recommendations
- Maintain working relationships with law enforcement agencies
- Use community resources and services
- Direct volunteer case aides
- Write predisposition or social investigation reports
- Work with families of children under supervision
- Provide specialized services, such as group therapy
- Supervise specialized caseloads involving children with special problems
- Make decisions about the revocation of probation and its termination



Compounding these problems is the fact that there are racial disparities in probation rules. Children of color are more likely to be revoked on technical violations than white probationers.<sup>21</sup>

To address these and other problems, several institutions and foundations have created models for future directions for probation. The influential Anna E. Casey Foundation made suggestions discussed in the following Focus on Delinquency entitled Future Directions for Probation. The Casey Foundation, like others, wants to see probation caseloads limited, emphasis on treatment and not surveillance and control, and the involvement of parents and guardians in the probation process. Others have called for more restrictive probation, featuring greater monitoring and restrictions.

## Focus on Delinquency

### Future Directions for Probation

According to the prestigious Anna E. Casey Foundation, probation institutions need to recognize several important areas to improve their performance and effectiveness:

- Youth need support, not surveillance. The heavy emphasis on surveillance and rule following does not succeed because the brain does not fully mature until age 25. Lawbreaking and other risky behaviors are commonplace during adolescence, but most youth grow out of law-breaking without any intervention from the justice system.
- For youth at lower risk, less is more. Research finds that for youth at lower risk of reoffending, the most effective strategy for juvenile courts and probation agencies is to abstain from interfering. Many studies confirm that formal processing and probation supervision are counterproductive for youth at low risk for rearrest.
- Nurturing maturity is key. The growing body of research on what works in juvenile justice confirms that programs designed to boost psychosocial maturation through positive opportunities for youth development and counseling—particularly cognitive behavioral approaches designed to improve problem solving, perspective taking, and self-control—tend to reduce recidivism rates. Interventions geared toward deterrence, discipline, or surveillance have no effect or increase recidivism.
- Youth respond far better to rewards and incentives for positive behavior than to the threat of punishment for misbehavior. Both youth and adults on probation have been more responsive to rewards and incentives for positive behavior than to sanctions for negative behaviors. The use of incentives is even more important for youth because it helps them learn and implement new, desired behaviors, thereby replacing—not simply inhibiting—undesired behaviors.

Based on these conclusions, the Casey Foundation makes these recommendations:

- Dramatically reduce the size of the probation population and probation officer caseloads by diverting far more youth so they can mature without involvement in the justice system.
- Make probation a focused intervention that promotes personal growth, positive behavioral change, and long-term success for the much smaller population of youth who will remain on supervision caseloads and pose significant risks for serious offending.
- Try new interventions and let go of outdated, ineffective ones.
- Move from compliance to support, sanctions to incentives, and standard court conditions to individualized expectations and goals.
- Embrace families and community organizations as partners.
- Set clear and meaningful goals for probation itself—including improving racial and ethnic equity—and hold probation and its partner agencies accountable for achieving them.

#### Critical Thinking

Have we gone too far to make up for past mistakes when too many youths were placed in secure confinement? Are we now too worried about damage to the offender and not concerned enough about harm to the victim?

SOURCE: The Annie E. Casey Foundation (2018). A Bold Vision for Getting Juvenile Probation Right Baltimore, Md. <https://www.aecf.org/blog/a-bold-vision-for-getting-juvenile-probation-right> (accessed April, 2022)

### LO3

Discuss new approaches for providing probation services to juvenile offenders and comment on their effectiveness in reducing recidivism

## Intermediate Sanctions: Probation Plus

While the rehabilitative ideals of probation have not been abandoned, new programs have been developed that add a control dimension to traditional probation requirements. These programs can also be viewed as “probation plus” since they add restrictive penalties and conditions to community-service orders. More punitive than probation, intermediate sanctions can be politically attractive to conservatives while still appealing to liberals as alternatives to incarceration. What are some of these alternative sanctions? (See Exhibit 15.2.)

### Intensive Supervision

#### juvenile intensive probation supervision (JIPS)

A true alternative to incarceration that involves almost daily supervision of the juvenile by the probation officer assigned to the case.

**Juvenile intensive probation supervision (JIPS)** involves treating offenders who would normally have been sent to a secure treatment facility as part of a very small probation caseload that receives almost daily scrutiny.<sup>22</sup> In some cases, this approach has involved police officers working in collaboration with probation officers to enhance the supervision of juvenile probationers.<sup>23</sup>

The primary goal of JIPS is *decarceration*; without intensive supervision, youngsters would typically be sent to secure but already overcrowded juvenile facilities. The second goal is control; high-risk juvenile offenders can be maintained in the community under much closer security than traditional probation efforts can provide. A third goal is maintaining community ties and reintegration. Offenders can remain in the community and complete their education while avoiding imprisonment. Take the Intensive Supervision Juvenile Probation Program run by the Peoria, Illinois, probation department. This four-phase intensive supervision program is for kids with known gang-related behavior or substance-abuse offenses. The program addresses treatment needs while controlling behaviors through surveillance and intensive supervision. It features small caseloads, distinct graduated phases to structure movement through the program, substance-abuse assessments, and behavioral controls, such as electronic monitoring, curfews, home confinement, and random drug testing. Evaluations have found that nearly 60% of the participants did not commit another offense during the first year following program completion. Of participants who completed the program, 63% were not arrested for a new offense.<sup>24</sup>

Intensive probation programs get mixed reviews. Some jurisdictions find that they are more successful than traditional probation supervision and come at a much cheaper cost than incarceration.<sup>25</sup> However, the failure rate is high, and, ironically, younger offenders who commit petty crimes are the most likely to fail when placed in intensive supervision programs.<sup>26</sup>

### Exhibit 15.2

#### Types of Intermediate Sanctions

| Type                  | Main Restrictions   |
|-----------------------|---|
| Intensive supervision | Almost daily supervision by a probation officer; adhere to similar conditions as regular probation                          |
| House arrest          | Remain at home during specified periods, often with monitoring through random phone calls, visits, or electronic devices    |
| Restorative justice   | Community members may prescribe restrictions to help repair harm done to the victim   |
| Restitution           | Must repay victim or do service   |
| Residential programs  | Placement in a residential, nonsecure facility, such as a group home or foster home; adhere to conditions; close monitoring |
| Wilderness Probation  | Uses experiences in rural areas as a form of treatment  |

It may not be surprising to some that intensive probation clients fail more often than the average probationer. After all, they are more serious offenders who might otherwise have been incarcerated and are being supervised more closely than the norm.<sup>27</sup>

Despite its poor showing in several evaluations, juvenile intensive probation supervision continues to be used across the country. Those who advocate for the program believe that when used in combination with other probation innovations and tailored to the needs of the juvenile, it can produce promising results.<sup>28</sup>

## House Arrest/Electronic Monitoring

Another program that has been used with adult offenders and is finding its way into the juvenile justice system is **house arrest**, which is often coupled with **electronic monitoring (EM)**. This program allows offenders sentenced to probation to remain in the community on the condition that they stay at home during specific periods (e.g., after school or work, on weekends, and in the evenings). Offenders may be monitored through random phone calls, visits, or, in some jurisdictions, electronic devices. EM can also be used in pre-adjudication with youths the court has ordered to be supervised until their appearance to ensure community safety without the need for secure detention.

Two types of electronic systems are typically used: active and passive.

*Active systems* monitor the offender by continuously sending a signal back to the central office. The equipment consists of a tamper-resistant miniature transmitter the offender wears. The transmitter communicates with a small receiving unit tied to the landline. If an offender leaves home at an unauthorized time, the signal is broken and the failure recorded. In some cases, the control officer is automatically notified through a beeper.

In contrast, *passive systems* transmit a signal to a network of satellites to triangulate the offender's physical location. The equipment consists of a tamper-resistant bracelet the offender wears and a tracking device the offender carries. The tracking device uses transmissions received from the satellites to calculate the offender's position and transmits the data to a monitoring center through a cell phone system. The system places random, computer-generated phone calls to which the juvenile offender must respond within a particular time (e.g., 30 seconds). Some passive systems require the offender to place the monitoring device in a verifier box that sends a signal back to the control computer; another approach is to have the arrestee repeat words analyzed by a voice verifier and compared with tapes of the juvenile's voice.

Most systems employ radio transmitters that receive a signal from the offender's device and relay it back to the computer via telephone lines. Probationers are fitted with an unremovable monitoring device that alerts the probation department's computers if they leave their place of confinement.<sup>29</sup>

Some technological developments point the way for future improvements. Take, for instance, the New York City program that let youths accused of felonies be tracked and monitored with smartphones and electronic bracelets instead of awaiting trial in a detention facility. The program used GPS technology to track the movements because the bracelets, which defendants must wear at all times, will be tied electronically to a state-provided cell telephone that cannot be turned off. A daily program can be designed for each defendant, along with a schedule that might include school, jobs, therapy, drug treatment, a curfew, and other activities. If the defendant does not make the appointed rounds as agreed, they will receive telephone calls from a counselor demanding an explanation and urging compliance. Abandoning the telephone or skipping appointments would lead to a bench warrant and arrest.<sup>30</sup> The program was not a total success, and there were technological issues, but it shows possibilities for new approaches to EM.

Most electronic-monitoring programs were created to reduce institutional overcrowding. They serve as an alternative to incarceration. EM programs have also been used to monitor youths during the pre-trial phase of justice because they allow

### house arrest

An offender is required to stay at home during specified periods of time; monitoring is done by random phone calls and visits or by electronic devices.

### electronic monitoring

Active monitoring systems consist of a radio transmitter worn by the offender that sends a continuous signal to the probation department computer, alerting officials if the offender leaves their place of confinement. Passive systems employ computer-generated random phone calls that the offender must answer in a certain period from a particular phone or other device.

youths who would otherwise be detained in a secure facility to remain at home and participate in counseling, educational, or vocational activities.<sup>31</sup> Of particular benefit to pretrial detainees is the opportunity to remain at home with supervision. This experience gives the court a much clearer picture of how the juvenile will eventually reintegrate into society.

Electronic monitoring can be effective, and failure rates are about the same as more restrictive traditional programs, such as detention. The benefits of EM are that costs are lower, and institutional overcrowding is reduced. Some studies also reveal that electronic monitoring works best with kids who commit petty offenses. Those who are more serious offenders, substance abusers, and repeat offenders are the ones most likely to fail.<sup>32</sup>

## Restorative Justice

As you may recall (Chapter 4), restorative justice is a nonpunitive strategy for delinquency control that attempts to address the issues that produce conflict between two parties (offender and victim) and, hence, reconcile the parties. Restoration rather than retribution or punishment is at the heart of the restorative justice approach. Seven core values characterize restorative justice:

- Crime is an offense against human relationships.
- Victims and the community are central to justice processes.
- The first priority of justice processes is to assist victims.
- The second priority of justice processes is to restore the community, to the degree possible.
- The offender has a personal responsibility to victims and the community for crimes committed.
- The offender will develop improved competency and understanding due to the restorative justice experience.
- Stakeholders share responsibilities for restorative justice through partnerships for action.<sup>33</sup>

Research has found that restorative justice programs can be an effective strategy in reducing repeat offending by juveniles.<sup>34</sup>

## Restitution

Victim restitution is another widely used probation plus method of community treatment. In most jurisdictions, restitution is part of a probationary sentence the county probation staff administers. In many jurisdictions, local governments have set up independent restitution programs; in others, a private nonprofit organization administers restitution.<sup>35</sup>

Restitution can take several forms. A juvenile can reimburse the victim of the crime or donate money to a charity or public cause; this is referred to as **monetary restitution** and is one type of economic sanction. In other instances, a juvenile may be required to provide some service directly to the victim (**victim service restitution**) or to assist a community organization (**community service restitution**).

Requiring youths to reimburse the victims of their crimes is the most widely used method of restitution in the United States. Restitution being made or paid to a charity is less widely used (but more common in Europe). In the past few years, numerous programs have been set up for the juvenile offender to provide service to the victim or to participate in community programs—for example, working in schools for children with developmental delays. In some cases, juveniles must contribute money and community service. Other programs emphasize employment.<sup>36</sup>

### monetary restitution

A requirement that juvenile offenders compensate crime victims for out-of-pocket losses caused by the crime, including property damage, lost wages, and medical expenses.

### victim service restitution

The juvenile offender is required to provide some service directly to the crime victim.

### community service restitution

The juvenile offender is required to assist some worthwhile community organization for a certain period.



Restitution programs can be employed at various stages of the juvenile justice process. They can be part of a diversion program before conviction, a method of informal adjustment at intake, or a condition of probation.

Restitution has many advantages: It provides alternative sentencing options; it offers monetary compensation or service to crime victims; it allows the juvenile the opportunity to compensate the victim and take a step toward becoming a productive member of society; it helps relieve overcrowded juvenile courts, probation caseloads, and detention facilities.<sup>37</sup> Finally, like other alternatives to incarceration, restitution can potentially allow vast savings in the operation of the juvenile justice system. Monetary restitution programs, in particular, may improve the public's attitude toward juvenile justice by offering equity to the victims of crime and ensuring that offenders take responsibility for their actions.

Despite its many advantages, some believe restitution supports retribution rather than rehabilitation because it emphasizes justice for the victim and criminal responsibility for illegal acts. There is some concern that restitution creates penalties for juvenile offenders where none existed.<sup>38</sup>

Restitution has long been a sentencing option in juvenile court. Still, there has been a rapid growth of programs whose job is to devise appropriate restitution orders and monitor offenders to ensure their disposition happens. In 1977, fewer than fifteen formal restitution programs existed in the United States. By 1985, formal programs existed in 400 jurisdictions, and 35 states had statutory provisions that gave courts the authority to order juvenile restitution.<sup>39</sup> Today, all 50 states and the District of Columbia have statutory restitution programs for juveniles.

**Does Restitution Work?** How successful is restitution as a treatment alternative? Most evaluations have shown that it is reasonably effective and should be expanded.<sup>40</sup> Some juvenile restitution programs, especially those with high program completion rates, also report reduced recidivism rates.<sup>41</sup> For instance, an analysis of more than 900 juvenile cases in five Pennsylvania counties found that those juvenile offenders who paid a greater percentage of their economic sanctions were less likely to recidivate.<sup>42</sup>

There are some snags in this approach. Young offenders may find it difficult to make monetary restitution without securing new employment, which can be difficult during economic turndowns and recession. Problems also arise when offenders who need jobs suffer from drug abuse or emotional problems. Public and private agencies are likely sites for community service restitution, but their directors are sometimes reluctant to allow delinquent youths access to their organizations. Beyond these problems, some juvenile probation officers view restitution programs as threatening their authority and organizations' autonomy.

Another criticism of restitution programs is that they foster involuntary servitude. Indigent clients may be unfairly punished when they cannot make restitution payments or face probation violations. Those doing community work may be cleaning up city parks or whacking weeds on the side of the road. They may view themselves as being forced into involuntary servitude. To avoid such bias, probation officers should first determine why payment has stopped and then suggest appropriate action, rather than simply treating nonpayment as a matter for law enforcement.

Finally, restitution orders are subject to the same abuses as traditional sentencing methods. Restitution orders given to one delinquent offender may differ from those given to another in a comparable case. Several jurisdictions have been using guidelines to encourage standardization of orders to remedy this situation.

## Residential Community Treatment

Many believe that institutionalization in a high-security, remote correctional institution for even the most serious delinquent youths is a mistake. Confinement cannot solve the problems that brought a youth into a delinquent way of life, and the experience may amplify delinquency once they return to the community.

Research has shown that the most effective secure-corrections programs provide individualized services for a small number of participants. Warehousing them in training schools has not proved effective.<sup>43</sup> Recognizing this problem has led to developing a wide variety of residential community treatment programs for youths who need a more secure environment than probation services can provide but do not require placement in a state-run juvenile correctional facility.

How are community corrections implemented? In some cases, youths are placed under probation supervision, and the probation department maintains a residential treatment facility. Placement can also be made to the department of social services or juvenile corrections with the direction that the youth be placed in a residential facility. **Residential programs** are typically divided into four major categories: (1) group homes, including boarding schools and apartment-type settings, (2) foster care programs, and (3) family group homes, and (4) rural programs.

**Group homes** are nonsecure residences that provide counseling, education, job training, and family living. They are staffed by a small number of qualified persons and generally house 12 to 15 youngsters. The institutional quality of the environment is minimized, and youths have the opportunity to build a close

### residential programs

Placement of a juvenile offender in a residential, nonsecure facility such as a group home, foster home, family group home, or rural home where the juvenile can be closely monitored and develop close relationships with staff.

### group homes

Nonsecured, structured residences that provide counseling, education, job training, and family living.

## Treating Delinquency

### Multidimensional Treatment Foster Care (MTFC)

Foster care programs involve one or two juveniles who live with a family—usually a husband and wife who serve as surrogate parents. The juveniles enter into a close relationship with the foster parents and receive the attention and care they did not receive at home. The quality of the foster home experience depends on the foster parents. Foster care for adjudicated juvenile offenders has not been extensive in the United States. Welfare departments generally handle foster placements, and funding for this treatment option has been a problem for the juvenile justice system. However, foster home services have expanded as a community treatment approach.

One example of an effective foster care model is the Multidimensional Treatment Foster Care (MTFC) program, developed by social scientists at the Oregon Social Learning Center. This program, designed for the most serious and chronic young offenders, combines individual therapy, such as skill building in problem-solving for the youths and family therapy for the biological or adoptive parents. The foster care families receive training from program staff so they can provide the young people with close supervision, fair and consistent limits and consequences, and a supportive relationship with an adult. Foster care families also receive close

supervision and are regularly consulted on the youths' progress by program staff. The program contains the following elements:

- Behavioral parent training and support for MTFC foster parents
- Family therapy for biological parents (or other aftercare resources)
- Skills training for youth
- Supportive therapy for youth
- School-based behavioral interventions and academic support
- Psychiatric consultation and medication management, when needed

Three intervention components work in unison to treat the youth: MTFC Parents, the Family, and the Treatment Team.

1. *MTFC Parents.* The program places youth in a family setting with specially trained foster parents for six to nine months. The foster parents are recruited, trained, and supported to become part of the treatment team. They provide close supervision and implement a structured, individualized program for each child. A case manager supports

relationship with the staff. Youths reside in the home, attend public schools, and participate in community activities in the area.

**Foster care programs** offer support and shelter for juvenile offenders who have lost their parents or whose parents cannot care for them. The foster parents provide a stable environment and the nurturance and guidance to help juveniles successfully return to the community. In recent years, one foster care program—the Multidimensional Treatment Foster Care (MTFC) program—has been especially effective in reducing juvenile offending. Because of its importance, it is the subject of the accompanying Treating Delinquency Feature.

**Family group homes** combine elements of foster care and group home placements. Juveniles are placed in a group home run by a family rather than professional staff. Troubled youths have an opportunity to learn to get along in a family-like situation. At the same time, the state avoids the startup costs and neighborhood opposition often associated with establishing a public institution.

**Rural programs** include forestry camps, ranches, and farms that provide recreational activities or work for juveniles. Programs typically handle from 30 to 50 youths. Such programs have the disadvantage of isolating juveniles from the community. Still, reintegration can be achieved if the youth's stay is short and family and friends are allowed to visit.

### **foster care programs**

Juveniles who are orphans or whose parents cannot care for them are placed with families who provide the attention, guidance, and care they did not receive at home.

### **family group homes**

A combination of foster care and a group home in which a juvenile is placed in a private group home run by a single family rather than by professional staff.

### **rural programs**

Specific recreational and work opportunities provided for juveniles in a rural setting, such as a forestry camp, a farm, or a ranch.

MTFC parents, coordinating all aspects of their youngster's treatment program. In addition, MTFC parents are contacted Monday through Friday by telephone to provide the Parent Daily Report (PDR) information. The report relays information about the child's behavior over the last 24 hours to the treatment team and provides quality assurance on program implementation. MTFC parents earn a monthly salary and a small stipend to cover extra expenses.

2. *The Family.* The birth family receives family therapy and parent training. Families learn to provide consistent discipline, supervise and provide encouragement, and use a modified version of the behavior management system used in the MTFC home. Therapy is provided to prepare parents for their child's return home, reduce conflict, and increase positive family relationships. Family sessions and home visits during the child's placement in MTFC provide opportunities for the parents to practice skills and receive feedback.
3. *The Treatment Team.* A program supervisor leads the MTFC treatment team and provides intensive support and consultation to the foster parents. The treatment team includes a family therapist, an individual therapist, a child skills trainer, and a daily telephone contact person (PDR caller). The team meets weekly to review each case's progress, review the daily behavioral information collected by telephone, and adjust the child's individualized treatment plan.

Evaluations of the program have found that one year after the completion of the program, youths who received MTFC were significantly less likely to be arrested than their control counterparts who received services-as-usual group home care. MTFC was significantly more effective than group home care, as measured by referrals for violent offending and self-reports of violent behavior. Systematic reviews and meta-analyses have also shown that MTFC is effective and cost-effective in reducing juvenile offending.

### **Critical Thinking**

1. MTFC involves several important components that contribute to its effectiveness. Do you think one of the components is more effective than the others?
2. MTFC's effectiveness with some of the most serious and chronic juvenile offenders shows that it is never too late to intervene. What does this mean for how society uses treatment and punishment to address juvenile offending?

SOURCES: Youth. Gov, Multidimensional Treatment Foster Care—Adolescents, 2022, [Research on Social Work Practice 21:501–527 \(2011\); Patricia Chamberlain, Leslie Leve, and David DeGarmo, \"Multidimensional Treatment Foster Care for Girls in the Juvenile Justice System: 2-Year Follow-up of a Randomized Clinical Trial,\" \*Journal of Consulting and Clinical Psychology\* 75:187–193 \(2007\); J. Mark Eddy, Rachel Bridges Whaley, and Patricia Chamberlain, \"The Prevention of Violent Behavior by Chronic and Serious Male Juvenile Offenders: A 2-Year Follow-up of a Randomized Clinical Trial,\" \*Journal of Emotional and Behavioral Disorders\* 12:2–8 \(2004\).](https://youth.gov/content/multidimensional-treatment-foster-care%25E2%2580%2593adolescents#:~:text=Program%20Goals,%2C%20emotional%20disturbance%2C%20and%20delinquency;William Turner and Geraldine MacDonald, \)

### wilderness probation

Programs involving outdoor expeditions that provide opportunities for juveniles to confront the difficulties of their lives while achieving positive personal satisfaction.

One form of rural programming is known as **wilderness probation**, which involves probationers in outdoor activities as a way to improve their social skills, self-concept, and self-control. Typically, wilderness programs maintain exposure to a wholesome environment where the concepts of education and work ethic are taught and embodied by adult role models. Troubled youth can regain a measure of self-worth.

Several wilderness programs for juvenile offenders have been evaluated for their effects on recidivism. Programs that emphasize physical activity over more therapeutic goals have failed to meet their goals.<sup>44</sup> Although some of the programs showed success, others had negative effects—that is, the group that received the program had higher arrest rates than the comparison group that did not receive the program. The least effective programs suffered from:

- Poor implementation
- Weak evaluation designs or problems with too few subjects or significant dropout rates
- Failure to adhere to principles of successful rehabilitation, such as targeting high-risk youths and lasting for a moderate period<sup>45</sup>

In contrast, wilderness programs that include a therapeutic component have been shown to effectively reduce juvenile offending.<sup>46</sup>

### LO4

Illustrate key historical developments of secure juvenile corrections in this country, including the principle of least restrictive alternative

## Secure Corrections

When the court determines that community treatment cannot meet the special needs of a delinquent youth, a judge may refer the juvenile to a secure treatment program. Today, correctional institutions operated by federal, state, and county governments are generally classified as either secure or open facilities. Secure facilities restrict the movement of residents through staff monitoring, locked exits, and interior fence controls. Open institutions generally do not restrict the movement of the residents and allow much greater freedom of access to the facility.<sup>47</sup> In the following sections, we analyze the state of secure juvenile corrections, beginning with some historical background. This is followed by a discussion of life in institutions, the juvenile client, treatment issues, legal rights, and aftercare and reentry programs.

## History of Juvenile Institutions

Until the early 1800s, juvenile offenders and neglected and dependent children were confined in adult prisons. The inhumane conditions in these institutions were among the factors that led social reformers to create a separate children's court system in 1899.<sup>48</sup> Early juvenile institutions were industrial schools modeled after adult prisons but designed to protect children from the evil influences in adult facilities. The first was the New York House of Refuge, established in 1825. Not long after this, states began to establish **reform schools** for juveniles. Massachusetts was the first, opening the Lyman School for Boys in Westborough in 1846. New York opened the State Agricultural and Industrial School in 1849, and Maine opened the Maine Boys' Training School in 1853. By 1900, thirty-six states had reform schools.<sup>49</sup> Although it is difficult to determine the exact populations of these institutions, by 1880, approximately 11,000 youths were in correctional facilities, a number that more than quadrupled by 1980.<sup>50</sup> Early reform schools were generally punitive in nature and were based on the concept of rehabilitation (or reform) through hard work and discipline.

The emphasis shifted to the **cottage system** in the second half of the nineteenth century. Juvenile offenders were housed in compounds of cottages, each of which could accommodate twenty to forty children. A set of parents ran each cottage, creating a homelike atmosphere. This setup was believed to be more conducive to rehabilitation.

### reform schools

Institutions in which educational and psychological services are used in an effort to improve the conduct of juveniles who are forcibly detained.

### cottage system

Housing juveniles in a compound containing a series of cottages, each of which accommodates 20 to 40 children and is run by a set of cottage parents who create a homelike atmosphere.



The first cottage system was established in Massachusetts in 1855 and the second in Ohio in 1858.<sup>51</sup> The system was considered a significant improvement over training schools. The belief was that by moving away from punishment and toward rehabilitation, offenders could be rehabilitated, and crime among unruly children could be prevented.<sup>52</sup>

**Twentieth-Century Developments** The early twentieth century witnessed important changes in juvenile corrections. Because of the influence of World War I, reform schools began to adopt a militaristic style. Living units became barracks, cottage groups became companies, house fathers became captains, and superintendents became majors or colonels. Military-style uniforms were standard wear. In addition, establishing the first juvenile court in 1899 reflected the expanded use of confinement for delinquent children. As the number of juvenile offenders increased, the forms of juvenile institutions varied to include forestry camps, ranches, and vocational schools. In the 1930s, camps modeled after those run by the Civilian Conservation Corps became a part of the juvenile correctional system. These camps centered on conservation activities and work as a means of rehabilitation.

Los Angeles County was the first to use camps during this period.<sup>53</sup> Southern California was experiencing problems with transient youths who came to California without money and then got into trouble with the law. Rather than filling up the jails, the county placed these offenders in conservation camps, paid them low wages, and released them when they had earned enough money to return home. The camps proved more rehabilitative than training schools, and by 1935, California had established a network of forestry camps for delinquent boys. The idea soon spread to other states.<sup>54</sup>

Also, during the 1930s, the U.S. Children's Bureau sought to reform juvenile corrections. The bureau conducted studies to determine the effectiveness of the training school concept. Little was learned from these programs because of limited funding and bureaucratic ineptitude, and the Children's Bureau failed to achieve any significant change. But such efforts recognized the important role of positive institutional care.<sup>55</sup>

Another innovation came in the 1940s with passage of the American Law Institute's Model Youth Correction Authority Act. This act emphasized reception/classification centers. California was the first to try this idea, opening the Northern Reception Center and Clinic in Sacramento in 1947. Today, many such centers are scattered around the United States.

Since the 1970s, a major change in institutionalization has been the effort to remove status offenders from institutions housing juvenile delinquents. This approach includes removing status offenders from detention centers and all juveniles from contact with adults in jails. This *decarceration* policy mandates that courts use the **least restrictive alternative** in providing services for status offenders. Noncriminal youth should not be put in a secure facility if a community-based program is available. In addition, the federal government prohibits states from placing status offenders in separate facilities similar in form and function to those used for delinquent offenders. This prohibition prevents states from merely shifting their institutionalized population around so that one training school houses all delinquents and another houses all status offenders, with actual conditions remaining the same. While removing status offenders from secure confinement is still a worthy goal, nearly a quarter of juveniles held in residential facilities across the U.S. on a single day are confined for status offenses (or technical violations of supervision).

Throughout the 1980s and into the 1990s, admissions to juvenile correctional facilities grew substantially.<sup>56</sup> Capacities of juvenile facilities also increased, but not enough to avoid overcrowding. Training schools became seriously overcrowded in some states, causing juvenile corrections to play an increased role. Reliance on incarceration became costly to states: inflation-controlled juvenile corrections

#### **least restrictive alternative**

Choosing a program with the least restrictive or secure setting that will best benefit the child.

expenditures for public facilities grew to more than \$2 billion in 1995, an increase of 20% from 1982.<sup>57</sup> A 1994 report issued by the OJJDP said that crowding, inadequate healthcare, lack of security, and poor control of suicidal behavior were widespread in juvenile corrections facilities. Despite new construction, crowding persisted in more than half the states.<sup>58</sup> Citing a number of these and other problems facing juvenile offenders in secure facilities, in January 2016, President Barack Obama issued a ban on the use of solitary confinement for juvenile offenders held in federal prisons.<sup>59</sup>

## LO5

Discuss recent trends in the use of juvenile institutions for juvenile offenders and how their use differs across states

## Juvenile Institutions Today: Public and Private

Most juveniles are housed in public institutions administered by state agencies: child and youth services, health and social services, corrections, or child welfare.<sup>60</sup> In some states, these institutions fall under a centralized system that covers adults and juveniles. Several states have recently removed juvenile corrections from an adult corrections department or mental health agency. However, most states still take responsibility for the administration of juvenile corrections within social service departments. Supplementing publicly funded institutions are private facilities that are maintained and operated by private agencies funded or chartered by state authorities. Most of today's private institutions are relatively small facilities with fewer than thirty youths. Many have a specific mission or focus (e.g., treating females with serious emotional problems). Although about 80% of public institutions can be characterized as secure, only 20% of private institutions are high-security facilities. For example, some can be characterized as forestry camps, ranches, and farms providing recreational activities or working for juveniles. Programs typically handle from 30 to 50 youths. While these programs have the disadvantage of isolating juveniles from the community, they can be effective if the youth's stay is short and if family and friends are allowed to visit.

**Population Trends** At last count, around 40,000 committed juvenile offenders were held in public and private correctional facilities in the United States, down from the approximately 108,000 held in 2000.<sup>61</sup> As a result of this decline fewer institutions can be seen as overcrowded and understaffed and diagnosis and application of treatment proceeds more rapidly than in past decades. This significant population decline reflects a lower juvenile arrest rate, changes in policy that supports greater use of community treatment, and most likely the effects of the COVID pandemic which encouraged removal of youths from institutions where the disease was highly contagious. Nonetheless, there are still more than 1,400 residential centers now hold juvenile offenders in some capacity. While most of these are small, holding under 20 residents, the majority of incarcerated youth are being held in what are classified as medium sized facilities holding between 20 and 100 residents.

It is important to note that this two-decade-long decline in youth incarceration has not led to an increase in youth crime; juvenile crime has been falling during this same time period, an indication that sending youth to secure facilities provides little deterrent effect.<sup>62</sup>

The juvenile custody rate varies widely across the country: the District of Columbia makes the greatest use of custodial treatment, whereas Vermont has the lowest juvenile custody rate.<sup>63</sup> Some states rely heavily on privately run facilities, whereas others place many youths in out-of-state facilities.

This wide variation in state-level juvenile custody rates has been the subject of much speculation but little empirical research to determine why differences occur. One explanation is that incarceration rates respond to crime rates, and those states that lock up more youth have experienced more crime. Another explanation rests on the assumption of culture: in some parts of the country, there is a "cultural acceptance of punitive policies."<sup>64</sup> Interestingly, Daniel Mears found that western and midwestern states were more likely to have higher juvenile incarceration rates than

southern states, thus calling into question the widely held view that the South is disproportionately punitive.

Although the number of institutionalized youths has declined markedly in the past two decades, the data may reveal only the tip of the iceberg. It excludes many minors incarcerated after being waived to adult courts or tried as adults because of exclusion statutes. More than 16,000 are being held in detention awaiting trial and other elements of the court process. In addition, a hidden or subterranean correctional system may be placing wayward youths in private mental hospitals and substance-abuse clinics for behaviors that might otherwise have brought them a stay in a secure correctional facility or community-based program.<sup>65</sup> Studies show that large numbers of youths are improperly incarcerated because of a lack of appropriate facilities. A nationwide survey that congressional investigators carried out as part of the House Committee on Government Reform found that thousands of children with psychiatric disorders awaiting mental health services were improperly incarcerated in secure juvenile detention facilities.<sup>66</sup> Some states have been accused of placing teenage children eligible for foster care in secure juvenile detention facilities until a proper placement could be found but not placing their numbers. Other states resort to similar practices, citing a lack of appropriate non-correctional facilities.<sup>67</sup> These data suggest that the number of institutionalized children may be far greater than reported in the official statistics.

Several states are working hard to reduce the number of children being held in correctional facilities before and after trial to remedy this situation. Before trial, there is greater reliance on diversion programs. Florida now authorizes the Department of Juvenile Justice to contract with the PACE Center for Girls, a nonprofit community treatment center, to provide diversion and detention alternatives with education, counseling, and training programs. Virginia passed legislation in 2020 to allow a juvenile court intake officer to defer filing a petition in a truancy case to develop and allow the young person to complete a truancy program.<sup>68</sup> Then, after trial, most courts rely on community treatment rather than a sentence to a secure treatment facility. And, of course, the “deinstitutionalization of status offenders” or “DSO provision” of the federal Juvenile Justice and Delinquency Prevention Act (JJDPa) has significantly reduced but not eliminated the number of status offenders being locked away; this act provides that youth adjudicated for a status offense may not be placed in locked confinement. However, in 1980, an amendment to the law, known as the valid court order (VCO) exception, allowed status offenders to continue to be locked up for second and subsequent status offenses, such as violating a court order not to commit another status offense. About 7,000 status offenders still find themselves in secure confinement facilities.<sup>69</sup>

**Physical Conditions** The physical plants of juvenile institutions vary in size and quality. Many older training schools still place all offenders in a single building, regardless of the offense. More acceptable structures include a reception unit with an infirmary, a security unit, and dormitory units or cottages. Planners have concluded that the most effective training school design involves facilities located around a community square. The facilities generally include a dining hall and kitchen area, a storage warehouse, academic and vocational training rooms, a library, an auditorium, a gymnasium, an administration building, and other basic facilities.

The individual living areas also vary, depending on the type of facility and the progressiveness of its administration. Most traditional training school conditions were appalling. Today, most institutions provide toilet and bath facilities, beds, desks, lamps, and tables. New facilities usually try to provide a single room for each individual.

The physical conditions of secure facilities for juveniles have come a long way from the training schools of the turn of the century. However, many administrators realize that more modernization is necessary to comply with national standards for

juvenile institutions.<sup>70</sup> Although some improvements have been made, there are still enormous problems to overcome.<sup>71</sup>

## LO6

Identify key issues facing the institutionalized juvenile offender

## The Institutionalized Juvenile

Today, the typical resident of a juvenile facility is a 15- or 16-year-old male of color who is a violence, property, or drug offender.<sup>72</sup> Many have had educational problems, including both academic underachievement and disciplinary issues. Many have experienced mental health disorders, with a high percentage of youth involved in the system having a diagnosable mental health disorder and nearly 30% of those experiencing severe mental health disorders.<sup>73</sup> Youth with disabilities are incarcerated at disproportionately higher rates. Prevalence studies have found that 65–70% of youth in the justice system meet the criteria for a disability, a rate more than three times higher than that of the general population. Additionally, at least 75% of youth in the juvenile justice system have experienced traumatic victimization, leaving them at risk for mental health disorders such as posttraumatic stress syndrome.<sup>74</sup>

**Racial Disparity** Children of color are incarcerated much more than their representation in the population. About 45% of detained youth and 39% of committed youth are African American.<sup>75</sup> Today, more than seven in ten juveniles in custody are non-white. Research indicates that this overrepresentation is not a result of differentials in arrest rates but often stems from disparity at the early stages of case processing.<sup>76</sup> Race-based differences in treatment can be found in various elements of the system. Children of color are more likely to be confined in secure public facilities rather than in open private facilities that might provide more costly and effective treatment. Among minority groups, African American youths are more likely to receive punitive treatment throughout the juvenile justice system than others.<sup>77</sup>

Children of color accused of delinquent acts are less likely than white youths to be diverted from the court system into informal sanctions and are more likely to receive sentences involving incarceration.<sup>78</sup> They are also less likely to receive rehabilitative interventions than their white counterparts.<sup>79</sup> Racial disparity in juvenile disposition is an ever-present problem that demands immediate public scrutiny.<sup>80</sup> In response, many jurisdictions have initiated studies of racial disproportion in their juvenile justice systems, along with federal requirements to reduce disproportionate minority confinement, now referred to as disproportionate minority contact (DMC), as contained in the Juvenile Justice and Delinquency Prevention Act of 2002.<sup>81</sup> A report on state compliance to reduce DMC demonstrates that some progress has been made, but many challenges remain. These include the need for full- or part-time staff to coordinate DMC initiatives, incomplete and inconsistent data systems, and ongoing evaluation of focused interventions and systemwide efforts to reduce DMC.<sup>82</sup> Some promising practices in reducing DMC, such as cultural competency training and increasing community-based detention alternatives, are beginning to emerge.<sup>83</sup>

**Sexual Misconduct** Allegations of sexual victimization of juveniles reported by juvenile correctional administrators show a fairly significant increase in state and local/private facilities. Juvenile justice administrators each year now report about 2,500 allegations of sexual victimization in state juvenile systems and locally or privately operated juvenile facilities; this is an almost 90% increase from the 1,300 reported in 2013. Of those allegations, about 320 are substantiated based on a follow-up investigation. Most allegations of sexual misconduct occurred in public facilities; half involved staff, while others identified fellow inmates.<sup>84</sup> While rates of sexual victimization among incarcerated juveniles remain a serious problem, the latest national survey of prison inmates by the Department of Justice shows that juvenile inmates are at no greater risk for sexual abuse than adult inmates.<sup>85</sup>



**Mental Health Needs** Research suggests that as many as two out of every three (65%) juvenile offenders in juvenile correctional facilities suffer from mental health problems. Many of these youths enter the system without being diagnosed or receiving treatment.<sup>86</sup> Incarcerated youths suffering from mental health problems may find it harder to adjust to their new environment, leading to acting-out behaviors, disciplinary problems, and problems in participating in treatment programs. All of these problems increase the risk of recidivism upon release to the community. The prevailing wisdom suggests that placement in correctional facilities does not lower the likelihood of juvenile reoffending and may worsen existing problems.<sup>87</sup>

These findings are cause for concern but have become more pressing as many states, to trim their budgets, are cutting back on funding for community- and school-based mental health programs. Psychologists claim they are seeing more and more mentally troubled kids who couldn't find community programs that were intensive enough for their needs. Secure juvenile justice facilities are becoming the new asylums.<sup>88</sup>

Treatment services can be scarce in juvenile correctional facilities, even with a diagnosis. One study found that only one out of four juvenile offenders diagnosed with a mental disorder received any treatment.<sup>89</sup> Another study found that 85% of this population reported at least one perceived barrier to accessing mental health services.<sup>90</sup>

## Gender Differences

Today, more so than in past years, some critics believe public scrutiny has improved conditions in training schools. There is greater professionalism among the staff, and staff brutality seems to have diminished. Status offenders and delinquents are, for the most part, held in separate facilities. Confinement length is shorter, and rehabilitative programming has increased. However, significant differences exist in the experiences of male and female delinquents within the institution.

**Male Inmates** Males make up the bulk of institutionalized youth, accounting for almost seven out of every eight juvenile offenders in residential placement, and most programs are directed toward their needs. In many ways, their experiences mirror those of adult offenders. Clemens Bartollas and his associates identified an inmate value system that they believed was common in juvenile institutions:

- Exploit whomever you can.
- Don't play up to staff.
- Don't rat on your peers.
- Don't give in to others.<sup>91</sup>

In addition to these general rules, the researchers found that there were separate norms for African American inmates ("exploit Whites; no forcing sex on Blacks; defend your brother") and for Whites ("don't trust anyone; everybody for himself").

Other research efforts confirm the notion that residents do form cohesive groups and adhere to an informal inmate culture.<sup>92</sup> The more serious the youth's record and the more secure the institution, the greater the adherence to the inmate social code. Male delinquents are more likely to form allegiances with their own racial group members and attempt to exploit those outside the group. They also scheme to manipulate staff and take advantage of weaker peers. However, in institutions that are treatment oriented, and where staff-inmate relationships are more intimate, residents are less likely to adhere to a negativistic inmate code.

**Female Inmates** Between 1991 and the peak year of 2001, the number of female juvenile offenders in custody increased by 57%, from 9,600 to 15,100. Since then, the

number of female juvenile offenders in custody has decreased significantly: There are now about 3,000 girls in secure facilities and about the same number in detention facilities.

Unfortunately, juvenile corrections displays a double standard of justice that penalizes young women in trouble with the law. Girls are more likely than boys to be incarcerated for status offenses. Institutions for girls are generally more restrictive than those for boys, and they have fewer educational and vocational programs and fewer services. Institutions for girls also do a less-than-adequate job of rehabilitation.<sup>93</sup> It has been suggested that this double standard operates because of a male-dominated justice system that seeks to “protect” young girls from their own sexuality.<sup>94</sup>

Over the years, the number of females held in public institutions has declined. This decline represents the continuation of a long-term trend to remove girls, many of whom are nonserious offenders, from closed institutions and place them in private or community-based facilities.

The same double standard that brings a girl into an institution continues to exist once she is in secure custody. Institutional girls’ programs still tend to reinforce traditional roles for women. Most of these programs also fail to account for the different needs of children of color.<sup>95</sup> The one exception to this double standard is that female youths are incarcerated for similar terms as male youths.<sup>96</sup>

Many characteristics of juvenile female offenders are similar to those of their male counterparts, including poor social skills and low self-esteem. Other problems are more specific to the female juvenile offender (sexual abuse issues, victimization histories, lack of placement options).<sup>97</sup> Female juvenile offenders also have higher rates of mental health problems than their male counterparts.<sup>98</sup> In addition, there have been numerous allegations of emotional and sexual abuse by correctional workers, who either exploit vulnerable young women or callously disregard their emotional needs. Surveys have uncovered numerous incidents of abuse and bitter resentment by young women over the brutality of their custodial treatment.<sup>99</sup>

Although there are more coed institutions for juveniles than in the past, most girls remain incarcerated in single-sex institutions that are isolated in rural areas and rarely offer adequate rehabilitative services. Several factors account for the different treatment of girls. One is sexual stereotyping by administrators, who believe teaching girls “appropriate” sex roles will help them function effectively in society. The staff also often hold these beliefs, many of whom hold highly sexist ideas of what is appropriate behavior for adolescent girls. Another factor that accounts for the different treatment of girls is that staff members often are not adequately trained to understand and address the unique needs of this population.<sup>100</sup> Girls’ institutions tend to be smaller than boys’ institutions and lack the resources to offer as many programs and services as the larger male institutions.<sup>101</sup>

Although society is more concerned about protecting girls who act out, it is less concerned about rehabilitating them because the crimes are not serious. These attitudes translate into fewer staff, older facilities, and poorer educational and recreational programs than those found in boys’ institutions.<sup>102</sup> To help address these and other problems facing female juveniles in institutions, many highly regarded legal organizations recommend several important changes, including these:

- Identify, promote, and support effective gender-specific, developmentally sound, culturally sensitive practices with girls.
- Promote an integrated system of care for at-risk and delinquent girls and their families based on their competencies and needs.
- Assess the adequacy of services to meet the needs of at-risk or delinquent girls and address gaps in service.
- Collect and review state and local practices to assess the gender impact of decision-making and system structure.<sup>103</sup>

Some of these recommendations are starting to garner serious attention—notably, with the emergence of a growing body of evidence of effective programs for female juveniles in institutions and at other stages in the juvenile justice system.<sup>104</sup> Also, building on these and other recommendations, the Office of Juvenile Justice and Delinquency Prevention established the National Girls Initiative. Its one aim is to “develop programs that will result in systemic improvement and lasting change on behalf of girls and young women in—or at risk for entering—the juvenile justice system.”<sup>105</sup>

## Correctional Treatment for Juveniles

Nearly all juvenile institutions implement some treatment program: counseling, vocational and educational training, recreational programs, or religious counseling. In addition, most institutions provide medical and occasional legal service programs. Generally, the larger the institution, the greater the number of programs and services offered.

These programs aim to rehabilitate youths to become well-adjusted individuals and send them back into the community to be productive citizens. Despite good intentions, however, the goal of rehabilitation is rarely attained, largely due to poor implementation of the programs.<sup>106</sup> A significant number of juvenile offenders commit more crimes after release, and some experts believe that correctional treatment has little effect on recidivism.<sup>107</sup> In contrast, reviews of institutional treatment programs have found that serious juvenile offenders who receive treatment have recidivism rates about 10 percent lower than similar untreated juveniles. The best programs provide training to improve interpersonal skills and reduce recidivism by as much as 40%.<sup>108</sup> The most successful of these institutional treatment programs provide training to improve interpersonal skills and family-style teaching to improve behavioral skills). Also important is the need to foster healthy, supportive relationships between incarcerated youth and juvenile care workers.<sup>109</sup>

What are the drawbacks to correctional rehabilitation? One of the most common problems in efforts to rehabilitate juveniles is a lack of well-trained staff. Budgetary limitations are a primary concern. It costs a substantial amount of money per year to keep a child in an institution, which explains why institutions generally do not employ large professional staffs. However, some correctional programs are cost-efficient, producing monetary benefits that outweigh the program’s costs.<sup>110</sup> The most glaring problem with treatment programs is that they are not administered as intended. Although the official goals of many institutions may be treatment and rehabilitation, the actual programs may center around security and punishment. The following sections describe some treatment approaches that aim to rehabilitate offenders.

**Individual Treatment Techniques** In general, effective individual treatment programs are built around combinations of psychotherapy, reality therapy, and behavior modification. **Individual counseling** is one of the most common treatment approaches, and virtually all juvenile institutions use it to some extent. This prevalence is not surprising, as psychological problems such as depression are prevalent in juvenile institutions.<sup>111</sup> Individual counseling does not attempt to change a youth’s personality. Instead, it attempts to help individuals understand and solve their current adjustment problems. Some institutions employ counselors who are not professionally qualified, which subjects offenders to a simple form of counseling.

Professional counseling may be based on **psychotherapy**, which requires extensive analysis of the individual’s childhood experiences. A skilled therapist attempts to help the individual make a more favorable adjustment to society by altering negative behavior patterns learned in childhood. Another frequently used treatment is **reality therapy**.<sup>112</sup> This approach, developed by William Glasser during the 1970s,

### LO7

Appraise the effectiveness of various juvenile correctional treatment approaches in use today

#### individual counseling

Counselors help juveniles understand and solve their current adjustment problems

#### psychotherapy

Highly structured counseling in which a skilled therapist helps a juvenile solve conflicts and make a more positive adjustment to society.

#### reality therapy

A form of counseling that emphasizes current behavior and that requires the individual to accept responsibility for all of their actions.

emphasizes current, rather than past, behavior by stressing that offenders are completely responsible for their actions. The object of reality therapy is to make individuals more responsible people. This goal is accomplished by giving youths confidence through developing their ability to follow a set of expectations as closely as possible. The success of reality therapy depends significantly on the counselor's warmth and concern.

### **behavior modification**

A technique for shaping desired behaviors through a system of rewards and punishments.

Many institutions use **behavior modification**.<sup>113</sup> This approach reflects the theory that all behavior is learned and current behavior can be shaped through rewards and punishments. This type of program is easy to use in an institutional setting that offers privileges as rewards for behaviors, such as work, study, or skills development. It is reasonably effective, especially when the youth enters a contract to modify certain behaviors. When youths know what is expected of them, they plan their actions to meet these expectations and then experience the anticipated consequences. In this way, youths can be motivated to change.

### **group therapy**

Counseling several individuals together in a group session; individuals can obtain support from other group members as they work through similar problems.

**Group Treatment Techniques** **Group therapy** is more economical than individual therapy, and the group's support is often valuable to group members. Individuals derive hope from other group members who have survived similar experiences. Another advantage of group therapy is that a group can often solve a problem more effectively than an individual.

One disadvantage of group therapy is that it provides little individual attention. Everyone is different, and some group members may need more individualized treatment. Others may be afraid to speak up in the group and thus fail to receive the benefits of the group experience. Conversely, some individuals may dominate group interaction, making it difficult for the leader to conduct an effective session. In addition, group condemnation may seriously hurt a participant. There is also the concern that by providing therapy in a group format, those who are more chronically involved in delinquency may negatively affect those who are marginally involved.<sup>114</sup>

Guided group interaction (GGI) is a fairly common group treatment method. It reflects the theory that a delinquent can acknowledge and solve personal problems through group interactions. A leader facilitates interaction, and a group culture develops. Individual members can be mutually supportive and can reinforce acceptable behavior. In the 1980s, a version of GGI called **positive peer culture (PPC)** became popular. These programs use groups where peer leaders encourage other youths to conform to conventional behaviors. The rationale is that if negative peer influence can encourage youths to engage in delinquent behavior, then positive peer influence can help them conform.<sup>115</sup> Though research results are inconclusive, there is evidence that PPC may facilitate communication ability for incarcerated youth.<sup>116</sup>

### **positive peer culture (PPC)**

Counseling program in which peer leaders encourage other group members to modify their behavior, and peers help reinforce acceptable behaviors.

### **milieu therapy**

All aspects of the environment are part of the treatment, and meaningful change, increased growth, and satisfactory adjustment are encouraged; this is often accomplished through peer pressure to conform to the group norms.

Another common group treatment approach, **milieu therapy**, seeks to make all aspects of the inmates' environment part of their treatment and to minimize differences between custodial staff and treatment personnel. Based on psychoanalytic theory, Bruno Bettelheim developed milieu therapy during the late 1940s and early 1950s.<sup>117</sup> This therapy attempts to create a conscience, or superego, in delinquent youths by getting them to depend on their therapists to a great extent and then threatening them with loss of the caring relationship if they fail to control their behavior. Today, milieu therapy more often uses peer interactions and attempts to create an environment that encourages meaningful change, growth, and satisfactory adjustment. This improvement is often accomplished through peer pressure to conform to group norms.

**Educational Programs** Because educational programs are an important part of social development and have therapeutic and instructional value, they are essential to most treatment programs. What takes place through education is related to all other aspects of the institutional program—work activities, cottage life, recreation, and clinical services.



Educational programs are probably the best-staffed programs in training schools, but even at their best, most are inadequate. Training programs must contend with myriad problems. Many youths coming into these institutions are mentally challenged, have learning disabilities, and are far behind their grade levels in basic academics. Most have become frustrated with the educational experience, dislike school, and become bored with any educational program. Their sense of frustration often leads to disciplinary problems.

Ideally, institutions should allow the inmates to attend a school in the community or offer programs that lead to a high school diploma or GED certificate. In recent years, a growing number of residential facilities have begun offering these types of programs. Almost 9 out of every 10 juvenile residential facilities provide some high school-level education; 8 of every 10 residential facilities provide middle school-level education, and 70% provide GED preparation.<sup>118</sup>

Recognizing the importance of education for future growth and success, the Obama Administration made correctional education a top priority. It provided millions in funding to the states to improve educational delivery in secure facilities. The U.S. Department of Education issued the guidelines set out in Exhibit 15.3. Despite this initiative, creating effective educational programs can be challenging. Many residents are educationally deficient, their stay is transitory, and finding highly effective teachers can be challenging. While improvements have occurred, much more is needed.<sup>119</sup>

**Juvenile Boot Camps** Correctional **boot camps** were designed to combine the get-tough elements of adult programs with education, substance abuse treatment, and social skills training. In theory, a successful boot camp program should rehabilitate juvenile offenders, reduce the number of beds needed in secure institutional programs, and thus reduce the overall cost of care. These savings may account for millions annually.<sup>120</sup> However, no one seems convinced that participants in these programs have lower recidivism rates than those who serve typical sentences.

Like other correctional sanctions, the bottom line for juvenile boot camps is whether they reduce recidivism. A meta-analysis of the effects of juvenile boot camps

### **boot camps**

Juvenile programs that combine get-tough elements from adult programs with education, substance abuse treatment, and social skills training.

## **Exhibit 15.3**

### **Exhibit Federal Guidelines for Education in Secure Facilities**

1. A safe, healthy facility-wide climate that prioritizes education, provides the conditions for learning, and encourages the necessary behavioral and social support services that address the individual needs of all youths, including those with disabilities and English learners
2. Necessary funding to support educational opportunities for all youths within long-term secure-care facilities, including youths with disabilities and English learners, comparable to opportunities for peers who are not system-involved
3. Recruitment, employment, and retention of qualified education staff with skills relevant in juvenile justice settings who can positively impact long-term student outcomes through demonstrated abilities to create and sustain effective teaching and learning environments
4. Rigorous and relevant curricula aligned with state academic and career and technical education standards that use instructional methods, tools, materials, and practices that promote college- and career-readiness
5. Formal processes and procedures—through statutes, memoranda of understanding, and practices—that ensure successful navigation across child-serving systems and smooth reentry into communities

SOURCE: U.S. Departments of Education and Justice, Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings, Washington, D.C., 2014.

on recidivism found them to be an ineffective correctional approach. Ironically, the control groups who did not receive boot camp experience had, on average, lower recidivism rates than the treatment groups (boot camps).<sup>121</sup>

Why do some juvenile boot camps fail to live up to their promise? The main reason is that they provide little therapy or treatment to correct offending behavior.<sup>122</sup> Also, few are linked to services to help juvenile offenders transition back to the community. In contrast, programs, including a mandatory residential aftercare component, show reduced recidivism rates.<sup>123</sup> Experts have also suggested that part of the reason for not finding boot camps successful may be due to juveniles in the control groups

## International Delinquency

### Incarcerated Juveniles Abroad

While the number of youths held in secure facilities has sharply declined in the United States, have other countries seen a decline? Though international legislation seeks to minimize the incarceration of children, a 2020 study by the United Nations found that millions of children live in prisons, detention centers, and other institutions around the world. Widespread differences occur between nations. In Scandinavian countries (Denmark, Finland, Norway, and Sweden), youths may be held in prison or in secure social institutions. The prison focuses on security, and the secure social institution focuses on treatment, addressing the individual needs of juvenile offenders through social skills training, counseling, and education. Wherever possible, the treatment option is used throughout Scandinavia. In Germany, offenders are considered delinquent until they reach 21 years of age. If they are sent to an institution for committing a crime, they can remain in a juvenile setting until they are 24 or 25. This situation is in sharp contrast to the United States, where 16- and 17-year-olds regularly are placed in adult facilities.

This is not the case in other European countries, which emphasize security over treatment. The Netherlands is one example. Between the early 1990s and mid-2000s, institutional placements of juvenile offenders grew from 700 to 2,400. This change in the Netherlands is part of a larger European movement to embrace more punitive policies. How effective this practice has been the subject of much research in several developed countries.

Another important global issue is the separation of juveniles from adults in correctional facilities. Gender separation is an important rule under the UN's "Standard Minimum Rules for the Administration of Juvenile Justice." Juveniles are susceptible to the negative influences of more seasoned and crime-prone

adult offenders. In many ways, juvenile offenders become the apprentices of adult offenders, learning about new techniques to commit delinquent and criminal acts. Another reason for separating adults and juveniles in correctional institutions is physical safety. Adult inmates often prey upon juveniles. Many juvenile inmates have been harmed or killed by adult prisoners. Unfortunately, there are many examples of nations holding children and adults in the same institutions. Child and teenage prisoners, some as young as 8 years old, are held in Navotas City Jail in Manila, Philippines. Disease, maltreatment, and violence—especially toward the youngest inmates throughout the city's jails—are commonplace in overcrowded jails.

In almost all developed countries, incarcerated juveniles are kept separate from incarcerated adults. In Germany, youth court handles all cases involving youth under age 21. Judges are granted discretion. Most cases result in juvenile sanctions, even those involving more serious offenses. In Australia and Belgium, separate incarceration is not mandatory; in practice, it is the norm. In New Zealand, incarcerated juveniles are not separated from incarcerated adults, but there are a few exceptions. A juvenile offender who has been transferred to adult court and sentenced to a term of imprisonment may be held at the discretion of the director general of Social Welfare and the Secretary for Justice in a social welfare facility until age 17.

#### Africa

In Africa, children are routinely held with adults and, many countries deliberately underreport their youth populations to avoid criticism from rights organizations. South African prisons accommodate the highest number of child prisoners at 3,600. Namibian prisons house the largest percentage of children, at 5.5% of the country's total prison population.

receiving enhanced treatment. In contrast, juveniles in boot camps spend more time on physical activities.<sup>124</sup>

The general ineffectiveness of boot camps to reduce reoffending in the community by juvenile offenders (and adult offenders) appears to have resulted in this approach falling into disfavor with some correctional administrators. At the height of its popularity in the mid-1990s, more than 75 state-run boot camps were in operation in more than 30 states across the country. Today, a handful of juvenile boot camps are operating in 10 states.<sup>125</sup>

While these programs are in operation in the United States, what is happening abroad? This question is the topic of the International Delinquency Feature.



Children arrive in prison by either being born to incarcerated women or sentenced for their own allegedly criminal conduct. Often their crimes include such minor and petty offenses as vagrancy and begging. A few African prison systems, such as South Africa, Côte d'Ivoire, Mali, and Angola, have the resources to house children separately from the adult male population. However, most do not, and commingling children with the general prison population can lead to disastrous consequences. Children imprisoned in the general population must compete with adults for scarce resources, such as food. Second, given that African prisons fail to meet even the most basic minimum standards for adults, it should be no surprise that they fall far short of meeting international standards for juvenile detention. Overcrowding compromises child prisoners' health and hygiene and exposes them to an increased risk of sexual abuse. Juvenile detainees' educational, developmental, health, and nutritional needs are rarely, if ever, met.

### Aftercare

Upon release from an institution, juveniles may be placed in an aftercare program rather than simply being returned to the community without transitional assistance. This transitional assistance may be halfway houses, educational homes, or daytime training centers. The UN's "Standard Minimum Rules for the Administration of Juvenile Justice" recommend that all countries implement aftercare programs to help juveniles prepare for their return to the community.

All developed countries provide juveniles with a wide range of aftercare programs. In Hong Kong, now part of the People's Republic of China, supervision orders are the most commonly used aftercare program to help juvenile offenders successfully transition from the correctional institution to their community. Juveniles are first granted early release from a correctional facility, with the provision that they must follow

several conditions. These conditions differ according to the nature of the delinquent act they committed. However, conditions almost always involve regular visits with a parole officer. Some juveniles have to attend drug addiction treatment centers.

In many developed countries, juvenile offenders are eligible for early release or parole much earlier than adult offenders sentenced to the same time in institutions. In Germany, for example, a juvenile may be released to the community after serving one-third of their sentence, while an adult must serve at least half of the sentence before being paroled.

### Critical Thinking

What are the policies for incarcerating juvenile offenders in developed countries? What is needed to get poorer nations to adopt these policies to help make juvenile prisoners safer?

SOURCES: Jeremy Sarkin, *Prisons in Africa*, International Journal on Human Rights, 2022 (published online); Michael Tonry and Colleen Chambers, "Juvenile Justice Cross-Nationally Considered," in Barry Feld and Donna Bishop, eds., *The Oxford Handbook of Juvenile Crime and Juvenile Justice* (New York: Oxford University Press, 2012); Trevor Bradley, Juan Tauri, and Reece Walters, "Demythologising Youth Justice in Aotearoa/New Zealand," in John Muncie and Barry Goldson, eds., *Comparative Youth Justice: Critical Issues* (Thousand Oaks, CA: Sage, 2006); Anette Storgaard, "Juvenile Justice in Scandinavia," *Journal of Scandinavian Studies in Criminology and Crime Prevention* 5:188–204 (2004). Alfred Blumstein, "The Roots of Punitiveness in a Democracy," *Journal of Scandinavian Studies in Criminology and Crime Prevention* 9:2–16 (2007). See Rolf Loeber, Machteld Hoeve, N. Wim Slot, and Peter van der Laan, eds., *Persisters and Desisters in Crime from Adolescence into Adulthood: Explanation, Prevention and Punishment* (Surrey, UK: Ashgate, 2012); Martin Killias, Santiago Redondo, and Jerzy Sarnecki, *From Juvenile Delinquency to Adult Crime: Criminal Careers, Justice Policy, and Prevention*, eds., Rolf Loeber and David Farrington (New York: Oxford University Press, 2012); Andrew McGrath, "The Effect of Custodial Penalties on Juvenile Reoffending," *Australian and New Zealand Journal of Criminology* 45:26–44 (2012); Hans-Jörg Albrecht, "Youth Justice in Germany," in Tonry and Doob, eds., *Youth Crime and Youth Justice: Comparative and Cross-National Perspectives*. Crime and Justice: A Review of Research, Vol. 31, p. 473.

**right to treatment**

Philosophy espoused by many courts that juvenile offenders have a statutory right to treatment while under the jurisdiction of the courts.

## Legal Rights While in Treatment

The primary goal of placing juveniles in institutions is to help them reenter the community successfully. Therefore, lawyers claim that children in state-run institutions have a legal right to proper care and treatment.

The concept of a **right to treatment** was introduced to the mental health field in 1960 by Morton Birnbaum. He argued that individuals deprived of their liberty because of a mental illness are entitled to treatment to correct that condition.<sup>126</sup> The right to treatment has expanded to include the juvenile justice system, bolstered by court rulings that mandate that rehabilitation and not punishment or retribution be the basis of juvenile court dispositions.<sup>127</sup> It stands to reason, then, that if incarcerated, juveniles are entitled to the appropriate social services that will promote their rehabilitation.

One of the first cases to highlight this issue was *Inmates of the Boys' Training School v. Affleck* in 1972.<sup>128</sup> In its decision, a federal court argued that rehabilitation is the true purpose of the juvenile court and that without that goal, due process guarantees are violated. It condemned such devices as solitary confinement, strip cells, and lack of educational opportunities holding that juveniles have a statutory right to treatment. The court also established the following minimum standards for all juveniles confined in training schools:

- A room equipped with lighting sufficient for an inmate to read until 10:00 p.m.
- Sufficient clothing to meet seasonal needs
- Bedding, including blankets, sheets, pillows, pillowcases, and mattresses, to be changed once a week
- Personal hygiene supplies, including soap, toothpaste, towels, toilet paper, and toothbrush
- A change of undergarments and socks every day
- Minimum writing materials: pen, pencil, paper, and envelopes
- Prescription eyeglasses, if needed
- Equal access to all books, periodicals, and other reading materials located in the training school
- Daily showers
- Daily access to medical facilities, including the provision of a 24-hour nursing service
- General correspondence privileges<sup>129</sup>

In 1974, in the case of *Nelson v. Heyne*, the First Federal Appellate Court affirmed that juveniles have a right to treatment and condemned the use of corporal punishment in juvenile institutions.<sup>130</sup> In *Morales v. Turman*, the court held that all juveniles confined in training schools in Texas have a right to treatment, including developing education skills, delivery of vocational education, medical and psychiatric treatment, and adequate living conditions.<sup>131</sup> In another case, *Pena v. New York State Division for Youth*, the court held that the use of isolation, hand restraints, and tranquilizing drugs at Goshen Annex Center violated the Fourteenth Amendment right to due process and the Eighth Amendment right to protection against cruel and unusual punishment.<sup>132</sup>

The right to treatment has also been limited. For example, in *Ralston v. Robinson*, the Supreme Court rejected a youth's claim that he should continue to receive treatment after being sentenced to a consecutive term in an adult prison for crimes committed while in a juvenile institution. In the *Ralston* case, the offender's proven dangerousness outweighed the possible effects of rehabilitation.<sup>133</sup> Similarly, in *Santana v. Callazo*, the U.S. First Circuit Court of Appeals rejected a suit brought by residents at the Maricao Juvenile Camp in Puerto Rico because the administration failed to provide them with individualized rehabilitation plans or adequate treatment. The circuit court concluded that it was a legitimate exercise of state authority to incarcerate dangerous juveniles solely to protect society.

**Ralston v. Robinson**

This case placed limits on the right to treatment for juvenile offenders.



**The Struggle for Basic Civil Rights** Several court cases have led federal, state, and private groups, including the American Bar Association, the American Correctional Association, and the National Council on Crime and Delinquency, to develop standards for the juvenile justice system. These standards provide guidelines for conditions and practices in juvenile institutions and call on administrators to maintain a safe and healthy environment for incarcerated youths.

For the most part, state-sponsored brutality has been outlawed, although using restraints, solitary confinement, and even medication for unruly residents has not been eliminated. The courts have ruled that corporal punishment—in any form—violates standards of decency and human dignity.

There are many mechanisms for enforcing these standards. For example, the federal government's Civil Rights of Institutionalized Persons Act (CRIPA) gives the Civil Rights Division of the U.S. Department of Justice (DOJ) the power to bring action against state or local governments for violating the civil rights of persons institutionalized in publicly operated facilities.<sup>134</sup> CRIPA does not create any new substantive rights. It simply confers power on the U.S. attorney general to bring action to enforce previously established constitutional or statutory rights of institutionalized persons; about 25% of cases involve juvenile detention and correctional facilities. There are many examples where CRIPA-based litigation has helped ensure that incarcerated adolescents obtain their basic civil rights.

## Juvenile Aftercare and Reentry

**Aftercare** in the juvenile justice system is the equivalent of parole in the adult criminal justice system. Juveniles who are released from an institution may enter an aftercare program. Institutionalized people are not simply returned to the community without transitional assistance. Whether individuals in aftercare as part of an indeterminate sentence remain in the community or return to the institution for further rehabilitation depends on their actions during the aftercare period. Aftercare is an extremely important stage in the juvenile justice process because few juveniles age out of custody.<sup>135</sup>

**Reentry** involves aftercare services, but includes preparation for release from confinement, also called prerelease planning.<sup>136</sup> Reentry is further distinguished from aftercare in that reentry is seen as the whole process and experience of the transition of juveniles from “juvenile and adult correctional settings back into schools, families,

### LO9

Explain the nature of aftercare for juvenile offenders and comment on recent innovations in juvenile aftercare and reentry programs

#### aftercare

Transitional assistance to juveniles, equivalent to adult parole, to help youths adjust to community life.

#### reentry

The process and experience of returning to society upon release from a custody facility post-adjudication.



Baltimore Sun/Tribune News Service/Getty Images

Aftercare—the juvenile equivalent of parole in the adult criminal justice system—includes a range of services designed to help juveniles adjust to community life upon release from an institution. The Silver Oak Academy, shown here, is a privately run facility in Keymar, Maryland, which provides achievement-based programs to aid juvenile offenders in their transition to the community.

communities, and society at large.”<sup>137</sup> The concept of reentry, which is also the term given to it in the adult criminal justice system, is by no means new.<sup>138</sup> Recently, however, it has come to characterize the larger numbers of juvenile and adult offenders returning to communities each year and the increased needs these offenders exhibit concerning employment, education, and mental health and substance abuse problems.<sup>139</sup> For juvenile offenders, reentry goes beyond the all-too-common practice of juveniles being placed in aftercare programs that are the same as adult parole programs, which “fail to take account of their unique needs and the challenges they face.”<sup>140</sup>

## Treating Delinquency

### Serious and Violent Offender Reentry Initiative (SVORI)

The federal government has invested heavily in reentry programs for adult and juvenile offenders in all 50 states, the District of Columbia, and the Virgin Islands. One such program, the Serious and Violent Offender Reentry Initiative (SVORI), has the goal of improving the quality of life and self-sufficiency of returning offenders, both juveniles and adults, through employment, housing, family, and community involvement; improving their health by addressing substance use (sobriety and relapse prevention), as well as physical and mental health; and reducing theory criminality through supervision and monitoring noncompliance, rearrest, and re-incarceration.

SVORI targeted serious and violent offenders who were more likely to pose a risk to the community upon release from incarceration and who faced multiple challenges during reentry. Both male and female and adult and juvenile offenders were eligible to participate, but participants had to be under 35. Other participation eligibility criteria varied by program site. SVORI was first used in 88 distinct reentry programs. Of those programs, 35 targeted adults only, 34 targeted juveniles only, 2 targeted youthful offenders only, and 17 targeted some combination of adults, juveniles, and youthful offenders. SVORI is an outcome- or goal-oriented initiative because local programs needed to achieve specific outcomes or goals through services provided to offenders released from prison. The services would provide a three-phase continuum that began while offenders were incarcerated, intensified in the months before and after their release, and continued for several years postrelease. SVORI participants were expected to establish partnerships with other state agencies and community-based organizations to develop the continuum of services. Local programs were encouraged to include the following components:

- Diagnostic and risk assessments
- Individual reentry plans

- Transition teams
- Community resources
- Graduated levels of supervision and sanctions

The structure and implementation of enhanced reentry services and community programs varied substantially by site. Programs differed in terms of the type of services provided and when and to whom they were delivered. Programs encompassed various dimensions. These included the services offered, the focus on pre- and post-release treatment, and the types of offenders served. A multisite evaluation of SVORI found that those who received the program, compared to their control group counterparts, were: (1) more likely to still be in school 3 months and 15 months after release from confinement and (2) more likely to have a job with benefits. No differences were found between SVORI participants and the control group in substance abuse, physical health, mental health, and recidivism outcomes.

#### Critical Thinking

- Do you believe that a program like SVORI can be considered successful even though participants are just as likely to recidivate as offenders housed in less costly facilities without access to treatment programs?
- Do you believe that the threat of being locked up in a secure facility housing gang members and violent offenders would do more to deter juvenile repeat offending than a stay in a facility that employs treatment-oriented programming?

SOURCES: Pamela Lattimore, “Reentry, Reintegration, Rehabilitation, Recidivism, and Redemption,” *The Criminologist* 31:1, 3–6 (2006), at 1; see also Laura Winterfield, Christine Lindquist, and Susan Brumbaugh, *Sustaining Juvenile Reentry Programming After SVORI* (Washington, DC: Urban Institute, 2007). Stephanie Hawkins, Pamela Lattimore, Debbie Dawes, and Christy Visher, *Reentry Experiences of Confined Juvenile Offenders: Characteristics, Service Receipt, and Outcomes of Juvenile Male Participants in the SVORI Multi-site Evaluation* (Washington, DC: National Criminal Justice Reference Service, US Department of Justice, 2009).

Another federal government initiative, titled the Juvenile Re-Entry Assistance Program and spearheaded by the Departments of Justice and Housing and Urban Development, aims to provide reentry services for juveniles facing challenges with housing and employment. The program works closely with public housing authorities and legal assistance organizations.<sup>141</sup> Some promising results have been shown with other juvenile reentry programs across the country.<sup>142</sup>

## Supervision

One purpose of aftercare and reentry is to provide support during the readjustment period following release. First, individuals whose activities have been regimented for some time may not find it easy to make independent decisions. Second, offenders may perceive themselves as scapegoats cast out by society. Finally, the community may view the returning minor with a good deal of prejudice; adjustment problems may reinforce a preexisting need to engage in deviant behavior.

Parole caseworkers or counselors maintain contact with juveniles in aftercare programs, supervise them to ensure they follow a corrections plan, and show interest and care. The counselor also informs the youth of reentry services and counsels them and their families. Unfortunately, aftercare caseworkers, like probation officers, often carry such large caseloads that their jobs are next to impossible to do adequately. One recent study highlights the importance of the perceived quality of the relationship between juvenile female offenders and their parole caseworkers and the benefits this holds for reducing violent recidivism.<sup>143</sup>

**The Intensive Aftercare Program (IAP) Model** New models of aftercare and reentry target chronic and/or violent offenders. The **Intensive Aftercare Program (IAP)** model, developed by David Altschuler and Troy Armstrong, offers a continuum of intervention for serious juvenile offenders returning to the community following placement.<sup>144</sup> The IAP model begins by drawing attention to five basic principles, which collectively establish a set of fundamental operational goals:

- Preparing youth for progressively increased responsibility and freedom in the community
- Facilitating youth-community interaction and involvement
- Working with both the offender and targeted community support systems (families, peers, schools, employers) on qualities needed for constructive interaction and the youth's successful community adjustment
- Developing new resources and supports where needed
- Monitoring and testing the youth and the community on their ability to deal with each other productively

These basic goals are then translated into practice by incorporating individual case planning with a family and community perspective. The program stresses a mix of intensive surveillance and services, a balance of incentives and graduated consequences, and the imposition of realistic, enforceable conditions. There is also "service brokerage" in which community resources and links with social networks are established.<sup>145</sup>

The IAP initiative was designed to help correctional agencies implement effective aftercare programs for chronic and serious juvenile offenders. After many years of testing, the program aims to determine how juveniles are prepared for reentry into their communities, how the transition is handled, and how the aftercare in the community is provided.<sup>146</sup>

### Intensive Aftercare Program (IAP)

A balanced, highly structured, comprehensive continuum of intervention for serious and violent juvenile offenders returning to the community.

## Aftercare Revocation Procedures

Juvenile parolees are required to meet established standards of behavior, which generally include but are not limited to the following:

- Adhere to a reasonable curfew set by youth worker or parent.
- Refrain from associating with persons whose influence would be detrimental.
- Attend school following the law.
- Abstain from drugs and alcohol.
- Report to the youth worker when required.
- Refrain from acts that would be crimes if committed by an adult.
- Refrain from operating an automobile without permission of the youth worker or parent.
- Refrain from being habitually disobedient and beyond the lawful control of a parent or other legal authority.
- Refrain from running away from the lawful custody of a parent or other lawful authority.

If these rules are violated, the juvenile may have his parole revoked and be returned to the institution. Most states have extended the same legal rights enjoyed by adults at parole revocation hearings to juveniles who are in danger of losing their aftercare privileges, as follows:

- Juveniles must be informed of the conditions of parole and receive notice of any obligations.
- Juveniles have the right to legal counsel at state expense if necessary.
- They maintain the right to confront and cross-examine witnesses against them.
- They have the right to introduce documentary evidence and witnesses.
- They have the right to a hearing before an officer who shall be an attorney but not an employee of the revoking agency.<sup>147</sup>

## Future of Juvenile Corrections

The secure juvenile correctional population has been in steep decline, and it seems unlikely that trend will end soon. One reason is that judges and court personnel are aware that considerable research shows that warehousing juveniles without proper treatment does little to prevent future delinquent activities.<sup>148</sup> The most effective secure corrections programs are those that are small in size so that can provide individual services for a small number of participants.<sup>149</sup> During the COVID epidemic, authorities may have been reluctant to incarcerate youth due to the infection rate in locked institutions. Even as COVID winds down, it seems unlikely that juvenile court judges will return to a lock'em up mentality.

Another future trend is the reliance on **evidence-based programs** and practices. These rely on highly rigorous outcome evaluations that demonstrate effectiveness by measuring the relationship between the program and its intended outcome, ruling out alternative explanations. For example, a program that might appear successful at first glance is actually successful because its strict entry requirements eliminate the most serious cases from participation. Therefore, the program must be subject to critical peer review to be considered a truly evidence-based evaluation. This review

### evidence-based program

Correctional programs that have been rigorously tested, proven effective, and can be adapted to other settings and departments.



means that experts in the field have examined the evaluation's methods and agreed with its conclusions about the program's effects.

Deinstitutionalization has become and remains the norm, an important goal of the juvenile justice system. The Office of Juvenile Justice and Delinquency Prevention provides funds to encourage this process. Numbers have decreased of late. Most states complied with the Deinstitutionalizing Status Offenders (DSO) mandate. Because juvenile crime is a high priority, the challenge to the states will be to retain a focus on treatment despite political—certainly not public<sup>150</sup>—assertions of the need for more punitive approaches. If that can be achieved, deinstitutionalization will remain a central theme in the juvenile justice system.

The more pressing problem is that a disproportionate number of minority youths continue to be incarcerated in youth facilities. The difference is greatest for African American youths, with the incarceration rate being almost four times greater than that for White youths. Of equal importance, minorities are more likely to be placed in secure public facilities rather than in open private facilities that might provide more effective treatment. The OJJDP is committed to ensuring that the country addresses situations where there is disproportionate confinement of minority offenders in the nation's juvenile justice system. In the future, it is expected that this initiative will result in a more fair and balanced juvenile justice system.

Aftercare and reentry services represent crucial elements of a juvenile offender's successful transition back to the community. Correctional authorities recognize that juvenile offenders released from confinement are at heightened risk of returning to a life of crime without assistance in overcoming barriers with employment, education, housing, and mental health, substance abuse, and other problems.<sup>151</sup> Many jurisdictions are experiencing success with halfway houses, reintegration centers, and other reentry programs. The federal government's substantial investment in reentry programs through the Serious and Violent Offender Reentry Initiative is promising.

Evaluations of community treatment provide evidence of several successful ways to respond to delinquency without jeopardizing the safety of community residents, and members of the public continue to express their support for more treatment over punishment.<sup>152</sup>

There is also a long-standing debate about the effectiveness of correctional treatments compared with other delinquency prevention measures. In their assessment of the full range of interventions to prevent serious and violent juvenile offending, Rolf Loeber and David Farrington found that it is never too early and never too late to make a difference.<sup>153</sup> Though some critics believe that juveniles are being coddled, in the future, innovative treatment methods will likely be applied continually within the juvenile justice system.

## Summary

### **LO1** Contrast community treatment and institutional treatment for juvenile offenders

- Community treatment encompasses efforts to keep offenders in the community and spare them the stigma of incarceration. The primary purpose is to provide a nonrestrictive or home setting, employing educational, vocational, counseling, and employment services.

- Institutional treatment encompasses the provision of these services but in more restrictive and sometimes secure facilities.

### **LO2** Explain the disposition of probation, including how it is administered and by whom, and recent trends in its use

- Probation is the most widely used method of community treatment. Youths on probation must obey rules given to them by the court and participate

in some form of the treatment program. If rules are violated, youths may have their probation revoked.

- Probation officers monitor behavior.
- Formal probation accounts for 64% of all juvenile dispositions, and its use has decreased somewhat in the last decade.

**LO3 Discuss new approaches for providing probation services to juvenile offenders and comment on their effectiveness in reducing recidivism**

- It is now common to enhance probation with more restrictive forms of treatment, such as intensive supervision and house arrest with electronic monitoring.
- Residential community treatment programs allow youths to live at home while receiving treatment in a nonpunitive, community-based center.
- Some of these probation innovations, such as intensive supervision, get mixed reviews on their effectiveness in reducing recidivism, while others, such as restitution and restorative justice, show success.

**LO4 Illustrate key historical developments of secure juvenile corrections in this country, including the principle of least restrictive alternative**

- The secure juvenile institution was developed in the mid-nineteenth century as an alternative to placing youths in adult prisons.
- Youth institutions evolved from large, closed institutions to cottage-based education—and rehabilitation-oriented institutions.
- The least restrictive alternative is applicable in decisions on placing juvenile offenders in institutions to ensure that the setting benefits the juvenile's treatment needs.

**LO5 Discuss recent trends in the use of juvenile institutions for juvenile offenders and how their use differs across states**

- The juvenile institutional population has decreased in recent years.

- Many youths continue to be “hidden” in private medical centers and drug treatment clinics.
- There are wide variations in juvenile custody rates across states.

**LO6 Identify key issues facing the institutionalized juvenile offender**

- A disproportionate number of minorities are incarcerated in more secure, state-run youth facilities.
- There are significant mental health issues in juvenile correctional facilities.
- There are significant gender differences, and female juvenile inmates face many hardships.

**LO7 Appraise the effectiveness of various juvenile correctional treatment approaches in use today**

- Most juvenile institutions maintain intensive treatment programs featuring individual or group therapy.
- Rehabilitation remains an important goal of juvenile practitioners.

**LO8 Discuss juvenile offenders' legal right to treatment**

- The right to treatment is an important issue in juvenile justice.
- Legal decisions have mandated that a juvenile cannot simply be warehoused in a correctional center but must receive proper care and treatment to aid rehabilitation.
- What constitutes proper care is still being debated.

**LO9 Explain the nature of aftercare for juvenile offenders and comment on recent innovations in juvenile aftercare and reentry programs**

- Juveniles released from institutions are often placed on parole or in aftercare.
- Many jurisdictions are experiencing success with halfway houses, reintegration centers, and other reentry programs.

## Key Terms

community treatment, p. 558  
nonresidential programs, p. 558  
suppression effect, p. 560  
probation, p. 560  
conditions of probation, p. 562

juvenile probation officer, p. 563  
social investigation report, or predisposition report, p. 563  
juvenile intensive probation supervision (JIPS), p. 566  
house arrest, p. 567

electronic monitoring, p. 567  
monetary restitution, p. 568  
victim service restitution, p. 568  
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residential programs, p. 570

group homes, p. 570  
foster care programs, p. 571  
family group homes, p. 571  
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individual counseling, p. 579  
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positive peer culture (PPC), p. 580  
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right to treatment, p. 584  
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aftercare, p. 585  
reentry, p. 585  
Intensive Aftercare Program (IAP),  
p. 587  
Evidence-based program, p. 588

## Questions for Discussion

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1. Would you want a community treatment program in your neighborhood? Why or why not?
2. Is widening the net a real danger, or are treatment-oriented programs simply a method of helping troubled youths?
3. If youths violate the rules of probation, should they be placed in a secure institution?
4. Is juvenile restitution fair? Should a poor child have to pay back a wealthy victim?
5. What are the most important advantages to community treatment for juvenile offenders?
6. What is the purpose of juvenile probation? Identify some conditions of probation and discuss the responsibilities of the juvenile probation officer.
7. Has community treatment generally proven successful?
8. Why have juvenile boot camps not been effective in reducing recidivism?

## Viewpoint

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Susan Straus, 16, was the oldest of four children living with their parents in a small rural community. Her mother worked two jobs, her father was unemployed, and both parents drank heavily. Susan's high school attendance was sporadic.

Susan has already had a long history of involvement with the law. At age 11, she was arrested for drug possession and placed on probation; she stole a car soon after. At age 12, she was arrested for shoplifting. She had started to experiment with alcohol and vandalized local businesses. After being arrested in a stolen car, Petitioned to juvenile court, she was found to be a delinquent. At a dispositional hearing, her court-appointed attorney tells the judge about the tough life Susan has been forced to endure. Her parents' substance abuse problem made it impossible for them to provide the care Susan needs to stay out of trouble. The public defenders say that Susan is a good kid who has developed a set of bad companions; her friends precipitated her current scrape. A representative of the school system testifies that Susan has above-average intelligence, is respectful of teachers, and has the potential to do well but that her life circumstances have short-circuited her academic success. Susan herself shows remorse and appears to be a sensitive youngster who is easily led astray by older youths.

Susan was given a disposition of community supervision and probation. Her probation officer provided an initial assessment, and formal dispositional

recommendations were made to the court. She was to remain at home on house arrest for 60 days, attend school regularly and maintain at least a C average, follow an alcohol and drug assessment program, and participate in weekly family therapy with her parents. Susan was also ordered to cooperate with the juvenile restitution program, pay her restitution in full within six months, and participate in the Community Adolescent Intensive Supervision Program, as arranged by her probation officer.

Not used to being accountable to anyone, Susan struggled initially with all the new rules and expectations. She missed some of her initial appointments and skipped some classes at school. Susan's probation officer began making unannounced visits to her at school, trying to help her understand the consequences of her behavior. Through the intensive supervision program, every day after school, Susan was required to attend a local community center where she received tutoring, group counseling with other offenders, and the guidance of many counselors. The group sessions focused on changing negative thinking, offering alternatives to aggression, and avoiding criminal behavior, gang involvement, and drugs and alcohol.

Her probation officer clearly knew that Susan possessed many strengths and positive attributes. She enjoyed dancing and singing and even liked school at times. The team of professionals encouraged her to focus on these qualities. With help, Susan began to understand

her destructive behavior and seek ways to turn her life around. She spoke with her probation officer about creating life goals and making plans for achieving them.

In addition to Susan's individual counseling, her family participated in weekly family therapy to discuss their issues and address how to best support the children. Initially, the sessions were very challenging and stressful for the entire family. They blamed each other for their difficulties, and Susan seemed to be the target of her parents' anger. The therapist worked with them to reduce the conflict and help them establish goals for their therapy that could improve their family life.

During the many months of intensive supervision, treatment, and family therapy, Susan could stop her delinquent behavior, pay her restitution, attend school regularly, and improve her communication with her parents. Through therapy, Susan's mother and father also acknowledged that they needed some assistance with their drinking and entered treatment. Susan's probation officer provided the court with regular monthly progress reports showing significant improvement in her behavior and lifestyle choices. Susan has proven her success and continues to live with her parents and siblings. She

plans to attend a local college after graduation to prepare for a career in the medical field.

## Critical Thinking

1. Do you agree or disagree with the probation officer's recommendations to the court? What would you have done differently? Can you think of additional programs or services that would have been helpful in this situation?
2. Initially, Susan struggled with rules and expectations. Her probation officer worked with her to help her accomplish her goals. What could you say to a juvenile who is in this situation? How would you try to motivate a teen in trouble with the law?
3. Do you think putting Susan on house arrest in her parental home was a good idea? What problems could have come of this? Should Susan have been removed if she continued to break the law? When should a juvenile delinquent be removed from her parents' home due to her criminal behavior? What crimes would justify an automatic removal, and what would need to be accomplished for the child to return?

## Doing Research on the Web

To help with your decision, do some research at these websites. California's Division of Juvenile Justice ([http://www.cdcr.ca.gov/Juvenile\\_Justice/](http://www.cdcr.ca.gov/Juvenile_Justice/)) receives its youthful offender population from both juvenile and superior court referrals. Those youths are sent to the DJJ to receive various training and treatment services.

The Center for the Study and Prevention of Violence (CSPV) (<http://www.colorado.edu/cspv/>) is a research program of the Center for the Study and Prevention of

Violence, Institute of Behavioral Science University of Colorado Boulder

The Washington State Institute for Public Policy (<http://www.wsipp.wa.gov/>) and the Urban Institute (<http://www.urban.org/>) both focus on juvenile justice research.

The Children's Research Center (CRC) (<http://www.nccdglobal.org/what-we-do/children-s-research-center>) conducts research that improves service delivery to children and families.

## Notes

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# Glossary

**abandonment** Parents physically leave their children with the intention of completely severing the parent-child relationship.

**active speech** A form of expression that involves speaking or taking some other physical action such as parading with a banner.

**addict** A person with an overpowering physical or psychological need to continue taking a particular substance or drug.

**addiction-prone personality** A personality that has a compulsion for mood-altering drugs, believed by some to be the cause of substance abuse.

**adjudicatory hearing** The fact-finding process wherein the juvenile court determines whether there is sufficient evidence to sustain the allegations in a petition.

**adolescent-limited offenders** Kids who get into minor scrapes as youths but whose misbehavior ends when they enter adulthood.

**advisement hearing** A preliminary protective or temporary custody hearing in which the court will review the facts, determine whether removal of the child is justified, and notify parents of the charges against them.

**aftercare** Transitional assistance to juveniles, equivalent to adult parole, to help youths adjust to community life.

**age of onset** Age at which youths begin their delinquent careers; early onset is believed to be linked with chronic offending patterns.

**aging-out process (also known as desistance or spontaneous remission)** The tendency for youths to reduce the frequency of their offending behavior as they age; aging-out is thought to occur among all groups of offenders.

**alcohol** Fermented or distilled liquids containing ethanol, an intoxicating substance.

**alexithymia** A deficit in emotional cognition that prevents people from being aware of their feelings or being able to understand or talk about their thoughts and emotions; sufferers seem robotic and emotionally dead.

**anabolic steroids** Drugs athletes and bodybuilders use to gain muscle bulk and strength.

**anesthetic drugs** Central nervous system depressants.

**anomie** Normlessness produced by rapidly shifting moral values; according to Merton, anomie occurs when personal goals cannot be achieved using available means.

**antisocial personality disorder (ASPD)** A person lacking in warmth and affection, exhibiting inappropriate behavior responses, and unable to learn from experience.

**appellate process** Allows the juvenile an opportunity to have the case brought before a reviewing court after it has been heard in juvenile or family court.

**Arizona v. Gant** This case placed specific limitations on police searches of a suspect's vehicle.

**arousal theorists** Delinquency experts who believe that aggression is a function of the level of an individual's need for stimulation or arousal from the environment. Those who require more stimulation may act in an aggressive manner to meet their needs.

**arrest** Taking a person into the custody of the law to restrain the accused until he or she can be held accountable for the offense in court proceedings.

**at-risk youth** Young people who are extremely vulnerable to the negative consequences of school failure, substance abuse, and early sexuality.

**attachment theory** A form of psychodynamic tradition that holds that the ability to form attachments—emotional bonds to another person—has important lasting psychological implications that follow adolescents across the life span.

**attention deficit hyperactivity disorder (ADHD)** A disorder in which a child shows a developmentally inappropriate lack of attention, impulsivity, and hyperactivity.

**authority conflict pathway** Pathway to delinquent deviance that begins at an early age with stubborn behavior and leads to defiance and then to authority avoidance.

**bail** Amount of money that must be paid as a condition of pretrial release to ensure that the accused will return for subsequent proceedings. The judge normally sets bail at the initial appearance, and the accused is detained in jail if unable to make bail.

**balanced probation** Programs that integrate community protection, accountability of the juvenile offender, competency, and individualized attention to the juvenile offender; based on the principle that juvenile offenders must accept responsibility for their behavior.

**balancing-of-the-interests approach** Efforts of the courts to balance the parents' natural right to raise a child with the child's right to grow into adulthood free from physical abuse or emotional harm.

**battered child syndrome** Nonaccidental physical injury of children by their parents or guardians.

**behaviorism** Branch of psychology concerned with the study of observable behavior rather than unconscious processes; focuses on particular stimuli and responses to them.

**behavior modification** A technique for shaping desired behaviors through a system of rewards and punishments.

**best interests of the child** A philosophical viewpoint that encourages the state to take control of wayward children and provide care, custody, and treatment to remedy delinquent behavior.

***Bethel School District No. 403 v. Fraser*** A school has the right to control lewd and offensive speech that undermines the educational mission.

**bifurcated process** The procedure of separating adjudicatory and dispositional hearings so different levels of evidence can be heard at each.

**biosocial theory** A theory of delinquency causation that integrates biologically determined traits and environmental stimuli.

**blended families** Nuclear families that are the product of divorce and remarriage, blending one parent from each of two families and their combined children into one family unit.

***Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al.*** Drug testing of students by school officials, if done in a reasonable fashion, is a legitimate exercise of school authority.

**boot camps** Juvenile programs that combine get-tough elements from adult programs with education, substance abuse treatment, and social skills training.

**broken home** Home in which one or both parents are absent due to divorce or separation; children in such an environment may be prone to antisocial behavior.

**broken windows policing** Drawing on the broken windows theory developed by Wilson and Kelling, police target disorderly behaviors and conditions in an effort to prevent the onset of more serious crime problems.

**bullying** Repeated, negative acts committed by one or more children against another; the acts may be physical or verbal.

**callous-unemotional disorder (CU)** Personality traits characterized by low empathy, callousness, lack of affect and a lack of concern for the effects of their behavior on others.

**chancery courts** Court proceedings created in fifteenth-century England to oversee the lives of highborn minors who were orphaned or otherwise could not care for themselves.

**child abuse** Any physical, emotional, or sexual trauma to a child, including neglecting to give proper care and attention, for which no reasonable explanation can be found.

**Children's Aid Society** Child saving organization that took children from the streets of large cities and placed them with farm families on the prairie.

**child savers** Nineteenth-century reformers who developed programs for troubled youth and influenced legislation creating the juvenile justice system; today some critics view them as being more concerned with control of the poor than with their welfare.

**chivalry hypothesis (also known as paternalism hypothesis)** The view that low female crime and delinquency rates are a reflection of the leniency with which police treat female offenders.

**choice theory** Holds that youths will engage in delinquent and criminal behavior after weighing the consequences and benefits of their actions; delinquent behavior is a rational choice made by a motivated offender who perceives that the chances of gain outweigh any possible punishment or loss.

**chronic delinquent offenders (also known as chronic juvenile offenders, chronic delinquents, or chronic recidivists)** Youths who have been arrested four or more times during their minority and perpetuate a striking majority of serious criminal acts. This small group is believed to engage in a significant portion of all delinquent behavior; these youths do not age out of crime but continue their criminal behavior into adulthood.

**classical criminology** Holds that decisions to violate the law are weighed against possible punishments, and to deter crime, the pain of punishment must outweigh the benefit of illegal gain; led to graduated punishments based on seriousness of the crime (let the punishment fit the crime).

**cliques** Small groups of friends who share intimate knowledge and confidences.

**cocaine** A powerful natural stimulant derived from the coca plant.

**cognitive theory** The branch of psychology that studies the perception of reality and the mental processes required to understand the world we live in.

**collective efficacy** The ability of communities to regulate the behavior of their residents through the influence of community institutions, such as the family and school. Residents in these communities share mutual trust and a willingness to intervene in the supervision of children and the maintenance of public order.

**community policing** Police strategy that emphasizes reducing fear, organizing the community, and maintaining order rather than fighting crime.

**community service restitution** The juvenile offender is required to assist some worthwhile community organization for a period.

**community treatment** refers to efforts to provide care, protection, and treatment for juveniles while they remain in the community and reside with parents or guardians. This approach can involve nonsecure and noninstitutional residences, counseling services, victim restitution programs, and other community services to treat juveniles in their own communities.

**complaint** Report made by the police or some other agency to the court that initiates the intake process.

**conditions of probation** The rules and regulations mandating that a juvenile on probation behave in a particular way.

**conduct disorder (CD)** A disorder of childhood and adolescence that involves chronic behavior problems, such as defiant, impulsive, or antisocial behavior and substance abuse.

**confidentiality** Restriction of information in juvenile court proceedings in the interest of protecting the privacy of the juvenile.

**consent decree** A court order authorizing disposition of a case without a formal label of delinquency.

**contagion effect** Delinquency spreads when kids copy the behavior of peers and siblings.

**continuity of crime** The idea that chronic juvenile offenders are likely to continue violating the law as adults.

**control group** A comparison group of subjects that is separated from the experimental group exposed to the independent variable being tested. The experimental group receives treatment the control group does not.

**cottage system** Housing juveniles in a compound containing a series of cottages, each of which accommodates 20 to 40 children and is run by a set of cottage parents who create a homelike atmosphere.

**Court Appointed Special Advocates (CASA)** Volunteers, appointed by judges, who work in conjunction with child protective services, to meet the needs of abused and neglected children to ensure their safety and find them suitable permanent or temporary homes.

**covert pathway** Pathway to a delinquent career that begins with minor underhanded behavior, leads to property damage, and eventually escalates to more serious forms of theft and fraud.

**crack** A highly addictive crystalline form of cocaine containing remnants of hydrochloride and sodium bicarbonate, which emits a crackling sound when smoked.

**criminal atavism** The idea that delinquents manifest physical anomalies that make them biologically and physiologically similar to our primitive ancestors, savage throwbacks to an earlier stage of human evolution.

**critical feminism** Holds that gender inequality stems from the unequal power of men and women and the subsequent exploitation of women by men; the cause of female delinquency originates with the onset of male supremacy and the efforts of males to control females' sexuality.

**crowds** Loosely organized groups who share interests and activities.

**Crown Court** In England, the criminal court that deals with adult offenders or juveniles who have been transferred from youth court.

**Crown Prosecution Service** The national agency in England that is in charge of all criminal prosecutions of juveniles and adults.

**cultural deviance theory** A unique lower-class culture develops in disorganized neighborhoods whose set of values and beliefs puts residents in conflict with conventional social norms.

**cultural transmission** Cultural norms and values are passed down from one generation to the next.

**culture of poverty** View that lower-class people form a separate culture with their own values and norms, which are sometimes in conflict with conventional society.

**cumulative disadvantage** The tendency of prior social problems to produce future ones that accumulate and undermine success.

**custodial interrogation** Questions posed by the police to a suspect held in custody in the prejudicial stage of the juvenile justice process; juveniles have the same rights against self-incrimination as adults do when being questioned.

**cyberbullying** Willful and repeated harm inflicted through Internet social media sites or electronic communication methods such as Twitter.

**Davis v. Alaska** This case put further limits on the juvenile's right to privacy in court proceedings.

**death squads** Common to South America, organized government or criminal groups that selectively kill members of opposing groups and incite fear in those groups and among their supporters.

**degradation ceremony** Going to court, being scolded by a judge, or being found delinquent after a trial are examples of public ceremonies that can transform youthful offenders by degrading their self-image.

**deinstitutionalization** Removing juveniles from adult jails and placing them in community-based programs to avoid the stigma attached to these facilities.

**delinquency control or delinquency repression** Involves any justice program or policy designed to prevent the occurrence of a future delinquent act.

**delinquency prevention** Involves any nonjustice program or policy designed to prevent the occurrence of a future delinquent act.

**designer drugs** Lab-made drugs designed to avoid existing drug laws.

**detached street workers** Social workers who go out into the community and establish close relationships with juvenile gangs with the goal of modifying gang behavior to conform to conventional behaviors and help gang members get jobs and educational opportunities.

**detention** Temporary care of a child alleged to be delinquent who requires secure custody in physically restricting facilities pending court disposition or execution of a court order.

**detention hearing** A hearing by a judicial officer of a juvenile court to determine whether a juvenile is to be detained or released while juvenile proceedings are pending in the case.

**determinate sentence** Specifies a fixed term of detention that must be served.

**developed countries** Recognized by the United Nations as the richest countries in the world.

**developing countries** Recognized by the United Nations as countries that are showing signs of improved economic growth and are making the transition from low income to high income.

**developmental theory** The view that delinquency is a dynamic process influenced by social experiences as well as individual characteristics.

**deviancy training** A process in which close friends reinforce deviant behavior choices through talk and interaction.

**differential association theory** Asserts that criminal behavior is learned primarily within interpersonal groups and that youths will become delinquent if definitions they have learned favorable to violating the law exceed definitions favorable to obeying the law within that group.



**differential opportunity** The view that lower-class youths, whose legitimate opportunities are limited, join gangs, and pursue criminal careers as alternative means to achieve universal success goals.

**differential susceptibility model** The view that some people are predisposed to environmental influences.

**diffusion of benefits** An effect that occurs when efforts to prevent one type of delinquent act may actually prevent another.

**disaggregated** Analyzing the relationship between two or more independent variables (such as murder convictions and death sentence) while controlling for the influence of a dependent variable (such as race).

**discretion** Use of personal decision making and choice in carrying out operations in the criminal justice system, such as deciding whether to make an arrest or when to accept a plea bargain.

**disorganized neighborhood** Inner-city areas of extreme poverty where the critical social control mechanisms have broken down.

**displacement** An unintended effect of crime control measures in which crime is not actually deterred or eliminated but merely shifted or displaced to a less well guarded, safer, locale.

**disposition** For juvenile offenders, the equivalent of sentencing for adult offenders; however, juvenile dispositions should be more rehabilitative than retributive.

**disposition hearing** A court hearing during which the social service agency presents its case plan and recommendations for care of the child and treatment of the parents, including incarceration and counseling or other treatment.

**disruptive behavior disorder (DBD)** A consistent pattern of behaviors that continually breaks normal social rules and is extremely oppositional and defiant of authority.

**diversion** Official halting or suspending of a formal criminal or juvenile justice proceeding at any legally prescribed processing point after a recorded justice system entry, and referral of that person to a treatment or care program or a recommendation that the person be released.

**dramatization of evil** The process of social typing that transforms an offender's identity from a doer of evil to an evil person.

**drift** Idea that youths move in and out of delinquency and that their lifestyles can embrace both conventional and deviant values.

**dropout factory** High schools in which the number of seniors is 60% (or less) of the number of ninth-graders.

**dropping out** Leaving school before completing the required program of education.

**drug courts** Courts whose focus is to provide treatment for youths accused of drug-related acts.

**due process** Basic constitutional principle based on the concept of the primacy of the individual and the complementary concept of limitation on governmental power; safeguards the individual from unfair state procedures in judicial or administrative proceedings. Due process rights have been extended to juvenile trials.

**egalitarian families** Husband and wife share power at home; daughters gain a kind of freedom similar to that of sons, and their law-violating behaviors mirror those of their brothers.

**ego identity** According to Erik Erikson, ego identity is formed when youths develop a full sense of the self, combining how they see themselves and how they fit in with others.

**electronic monitoring** Active monitoring systems consist of a radio transmitter worn by the offender that sends a continuous signal to the probation department computer, alerting officials if the offender leaves their place of confinement. Passive systems employ computer-generated random phone calls that must be answered in a certain period of time from a particular phone or other device.

**enculturated** The process by which an established culture teaches an individual its norms and values so that the individual can become an accepted member of the society. Through enculturation, the individual learns what is accepted behavior within that society and their particular status within the culture.

**evidence-based program** Correctional programs that have been rigorously tested, proven effective, and can be adapted to other settings and departments.

**evolutionary theory** Explaining the existence of aggression and violent behavior as positive adaptive behaviors in human evolution; these traits allowed their bearers to reproduce disproportionately, which has had an effect on the human gene pool.

**experimental group** A group of subjects that receives a prevention program.

**expressive crimes** Crimes that have no purpose except to accomplish the behavior at hand, such as shooting someone.

**extravert** A person who behaves impulsively and doesn't have the ability to examine motives and behavior.

**familicide** Mass murders in which a spouse and one or more children are slain.

**family group homes** A combination of foster care and a group home in which a juvenile is placed in a private group home run by a single family rather than by professional staff.

**family social capital** Relationships composed of bonds between parents and children, which include the time and attention parents spend communicating and interacting with children, investment in their activities, and promotion of their well-being

**Fare v. Michael C. and California v. Prysock** These cases make it seem indisputable that juveniles are at least entitled to receive the same *Miranda* rights as adults.

**Federal Bureau of Investigation (FBI)** Arm of the U.S. Department of Justice that investigates violations of federal law, gathers crime statistics, runs a comprehensive crime laboratory, and helps train local law enforcement officers.



**final order** Order that ends litigation between two parties by determining all their rights and disposing of all the issues.

**focal concerns** The value orientation of lower-class culture that is characterized by a need for excitement, trouble, smartness, fate, and personal autonomy.

**focused deterrence** A policy that relies on pulling every deterrent “lever” available to reduce crime in the targeted problem.

**foster care** Placing a child in the temporary care of a family other than its own as a result of state intervention into problems within the birth family; can be used as a temporary shelter while a permanent adoption effort is being completed.

**foster care programs** Juveniles who are orphans or whose parents cannot care for them are placed with families who provide the attention, guidance, and care they did not receive at home.

**free will** View that people are in charge of their own destinies and are free to make personal behavior choices unencumbered by environmental factors.

**gang** Group of youths who collectively engage in delinquent behaviors.

**gang sweep** A method of enforcement in which police, armed with arrest and search warrants, enter a neighborhood in force in an operation to make as many arrests as possible.

**gateway drug** A substance that leads to use of more serious drugs; alcohol use has long been thought to lead to more serious drug abuse.

**gender policing** Pressure to conform to gender expectations.

**gender-schema theory** A theory of development that holds that children internalize gender scripts reflecting the gender-related social practices of the culture. Once internalized, these gender scripts predispose the kids to construct a self-identity that is consistent with the scripts.

**gender similarities hypothesis** The belief that gender differences in personality, cognition, intelligence, etc., are much smaller than previously believed.

**general deterrence** Crime control policies that depend on the fear of criminal penalties, such as long prison sentences for violent crimes; the aim is to convince law violators that the pain outweighs the benefit of criminal activity.

**General Strain Theory (GST)** According to Agnew, the view that multiple sources of strain interact with an individual’s emotional traits and responses to produce criminality.

**General Theory of Crime (GTC)** A developmental theory that modifies social control theory by integrating concepts from biosocial, psychological, routine activities, and rational choice theories.

**globalization** The process of creating a global economy through transnational markets and political and legal systems.

**graffiti** Inscriptions or drawings made on a wall or structure and used by delinquents for gang messages and turf definition.

**Graham v. Florida** Repealed life sentences without the possibility of parole for juveniles convicted of nonhomicide crimes.

**group homes** Nonsecured, structured residences that provide counseling, education, job training, and family living.

**group therapy** Counseling several individuals together in a group session; individuals can obtain support from other group members as they work through similar problems.

**guardian ad litem** A court-appointed attorney who protects the interests of the child in cases involving the child’s welfare.

**hallucinogens** Natural or synthetic substances that produce vivid distortions of the senses without greatly disturbing consciousness.

**harm reduction** Efforts to minimize the harmful effects caused by drug use.

**hashish** A concentrated form of cannabis made from unadulterated resin from the female cannabis plant.

**Hazelwood School District v. Kuhlmeier** School officials have the right to censor “active speech”—for example, controlling the content of articles in a student publication.

**hearsay** Out-of-court statements made by one person and recounted in court by another; such statements are generally not allowed as evidence except in child abuse cases in which a child’s statements to social workers, teachers, or police may be admissible.

**heroin** A narcotic made from opium and then cut with sugar or some other neutral substance until it is only 1 to 4% pure.

**house arrest** An offender is required to stay at home during specified periods of time; monitoring is done by random phone calls and visits or by electronic devices.

**House of Refuge** A care facility developed by the child savers to protect potential criminal youths by taking them off the street and providing a family-like environment.

**identity crisis** Psychological state, identified by Erikson, in which youth face inner turmoil and uncertainty about life roles.

**income inequality** The unequal distribution of household or individual income across the various participants in an economy.

**indeterminate sentence** Does not specify the length of time the juvenile must be held; rather, correctional authorities decide when the juvenile is ready to return to society.

**individual counseling** Counselors help juveniles understand and solve their current adjustment problems

**individualized treatment model** Using individually designed programs, geared specifically to their needs, to treat troubled youth.

**informant** A person who has access to criminal networks and shares information with authorities in exchange for money or special treatment under conditions of anonymity.

**Ingraham v. Wright** Corporal punishment in schools is legally permissible.

**inhalants** Volatile liquids that give off a vapor, which is inhaled, producing short-term excitement and euphoria followed by a period of disorientation.

**in loco parentis** Latin for “in place of parents” or “instead of a parent.” Used to signify that parents have given a person or institution all the rights to behave, act, and be and act as a parent.

**In re Winship** Proof beyond a reasonable doubt is necessary for conviction in juvenile proceedings.

**instrumental crimes** Offenses designed to improve the financial or social position of the criminal.

**intake** Process during which a juvenile referral is received and a decision is made to file a petition in juvenile court to release the juvenile, to place the juvenile under supervision, or to refer the juvenile elsewhere.

**integrated theories** Theories that incorporate social, personal, and developmental factors into complex explanations of human behavior.

**Intensive Aftercare Program (IAP)** A balanced, highly structured, comprehensive continuum of intervention for serious and violent juvenile offenders returning to the community.

**international crime** Crime that is punishable under international law.

**intersectionality** An analytical framework for understanding that people’s social and political identities combine to create different forms of discrimination and privilege.

**interstitial group** Delinquent group that fills a crack in the social fabric and maintains standard group practices, such as setting goals, recruiting new members, developing status, and assigning roles.

**intrafamily violence** An environment of discord and conflict within the family; children who grow up in dysfunctional homes often exhibit delinquent behaviors, having learned at a young age that aggression pays off.

**J.D.B. v. North Carolina** A suspect’s age must be considered in determining whether a confession was freely given and whether they believed they were in custody.

**juvenile court judge** A judge elected or appointed to preside over juvenile cases and whose decisions can only be reviewed by a judge of a higher court.

**juvenile defense attorney** Represents children in juvenile court and plays an active role at all stages of the proceedings.

**juvenile delinquency** Participation in illegal behavior by a minor who falls under a statutory age limit.

**juvenile intensive probation supervision (JIPS)** A true alternative to incarceration that involves almost daily supervision of the juvenile by the probation officer assigned to the case.

**juvenile justice process** Under the paternal (*parens patriae*) philosophy, juvenile justice procedures are informal and nonadversarial, invoked for the juvenile offender rather than against them; a petition instead of a complaint is filed; courts make findings of involvement

or adjudication of delinquency instead of convictions; and juvenile offenders receive dispositions instead of sentences.

**juvenile justice system** The segment of the justice system, including law enforcement officers, the courts, and correctional agencies, designed to treat youthful offenders.

**juvenile officers** Police officers who specialize in dealing with juvenile offenders; they may operate alone or as part of a juvenile police unit within the department.

**juvenile probation officer** Officer of the court involved in all four stages of the court process—intake, predisposition, postadjudication, and postdisposition—who assists the court and supervises juveniles placed on probation.

**juvenile prosecutor** Government attorney responsible for representing the interests of the state and bringing the case against the accused juvenile.

**klikas** Subgroups of same-aged youths in Hispanic gangs that remain together and have separate names and a unique identity in the gang.

**latent delinquents** Youths whose troubled family life leads them to seek immediate gratification without consideration of right and wrong or the feelings of others.

**latent trait** A stable feature, characteristic, property, or condition, such as defective intelligence or impulsive personality, that makes some people delinquency prone over the life course.

**Law Enforcement Assistance Administration (LEAA)** Unit in the U.S. Department of Justice established by the Omnibus Crime Control and Safe Streets Act of 1968 to administer grants and provide guidance for crime prevention policy and programs.

**learning disability (LD)** Neurological dysfunction that prevents an individual from learning to his or her potential.

**least detrimental alternative** Choice of a program for a child that will best foster the child’s growth and development.

**least developed countries** Recognized by the United Nations as being the poorest countries in the world and suffering from long-term barriers to economic growth.

**least restrictive alternative** Choosing a program with the least restrictive or secure setting that will best benefit the child.

**legalization of drugs** Decriminalizing drug use to reduce the association between drug use and crime.

**liberal feminism** Asserts that females are less delinquent than males because their social roles provide them with fewer opportunities to commit crimes; as the roles of girls and women become more similar to those of boys and men, so too will their crime patterns.

**life-course persisters** Delinquents who begin their offending career at a very early age and continue to offend well into adulthood.

**life-course theory** Focuses on changes in criminality over the life course; developmental theory.

**major depressive episode (MDE)** A period of at least two weeks when a person experienced a depressed mood or loss of interest or pleasure in daily activities plus at least

four additional symptoms of depression (such as problems with sleep, eating, energy, concentration, and feelings of self-worth).

**mandatory sentence** Defined by a statutory requirement that states the penalty to be set for all cases of a specific offense.

**marijuana** The dried leaves of the cannabis plant.

**Maryland v. Craig** A state statute that allows closed-circuit television (CCTV) testimony in child abuse cases is legal because it requires a determination that the child will suffer distress if forced to testify in court. CCTV can serve as the equivalent of in-court testimony and does not interfere with the defendant's right to confront witnesses.

**masculinity hypothesis** View that women who commit crimes have biological and psychological traits similar to those of men.

**middle-class measuring rods** Standards by which teachers and other representatives of state authority evaluate students' behavior; when lower-class youths cannot meet these standards, they are subject to failure, bringing frustration and anger at conventional society.

**Miller v. Alabama** In this case, the Supreme Court held that mandatory life sentences, without the possibility of parole, are unconstitutional for juvenile offenders.

**milieu therapy** All aspects of the environment are part of the treatment, and meaningful change, increased growth, and satisfactory adjustment are encouraged; this is often accomplished through peer pressure to conform to the group norms.

**minimal brain dysfunction (MBD)** Damage to the brain itself that causes antisocial behavior injurious to the individual's lifestyle and social adjustment.

**Miranda v. Arizona** Police interrogations of suspects in custody are subject to constitutional limitations.

**Miranda warning** In the case *Miranda v. Arizona*, the Supreme Court required police officers to inform individuals of their constitutional rights when under arrest; warning must also be given when suspicion begins to focus on an individual in the accusatory stage.

**monetary restitution** A requirement that juvenile offenders compensate crime victims for out-of-pocket losses caused by the crime, including property damage, lost wages, and medical expenses.

**mood disorder** A condition in which the prevailing emotional mood is distorted or inappropriate to the circumstances.

**Morse v. Frederick** School officials can control student speech at off-campus events.

**multisystemic therapy (MST)** Addresses a variety of family, peer, and psychological problems by focusing on problem solving and communication skills training.

**National Crime Victimization Survey (NCVS)** The ongoing victimization study conducted jointly by the Justice Department and the U.S. Census Bureau that surveys victims about their experiences with law violation.

**National Incident-Based Reporting System (NIBRS)** Program that collects data on each reported crime incident

and requires local police to provide at least a brief account of each incident and arrest within 22 crime patterns, including incident, victim, and offender information.

**nature theory** Holds that low intelligence is genetically determined and inherited.

**near-groups** Clusters of youth who, outwardly, seem unified but actually have limited cohesion, impermanence, minimal consensus of norms, and shifting membership.

**negative affective states** Anger, depression, disappointment, fear, and other adverse emotions that derive from strain.

**neglect** Passive neglect by a parent or guardian, depriving children of food, shelter, health care, and love.

**neurological** Pertaining to the brain and nervous system structure.

**neuroticism** A personality trait marked by unfounded anxiety, tension, and emotional instability.

**neutralization techniques** A set of attitudes or beliefs that allow would-be delinquents to negate any moral apprehension they may have about committing crime so that they may freely engage in antisocial behavior without regret.

**New Jersey v. T.L.O.** The Fourth Amendment controls on search and seizure apply to school officials as well as police.

**nonresidential programs** Juveniles remain in their own homes but receive counseling, education, employment, diagnostic, and casework services through an intensive support system.

**nuclear family** A family unit composed of parents and their children; this smaller family structure is subject to great stress due to the intense, close contact between parents and children.

**nurture theory** Holds that intelligence is partly biological but mostly sociological; negative environmental factors encourage delinquent behavior and depress intelligence scores for many youths.

**Office of Juvenile Justice and Delinquency Prevention (OJJDP)** Branch of the U.S. Justice Department charged with shaping national juvenile justice policy through disbursement of federal aid and research funds.

**Oklahoma Publishing Co. v. District Court and Smith v. Daily Mail Publishing Co.** These cases set out to produce a greater balance between individual privacy and freedom of the press in juvenile court proceedings.

**orphan trains** The name for trains in which urban youths were sent west by the Children's Aid Society for adoption with local farm couples.

**overt pathway** The path to a delinquent career that begins with minor aggression, leads to physical fighting, and eventually escalates to violent delinquency.

**parens patriae** Power of the state to act on behalf of the child and provide care and protection equivalent to that of a parent.



**parental efficacy** Families in which parents integrate their children into the household unit while helping them assert their individuality and regulate their own behavior.

**Part I crimes** Offenses including homicide and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny, arson, and motor vehicle theft. Recorded by local law enforcement officers, these crimes are tallied quarterly and sent to the FBI for inclusion in the UCR.

**Part II crimes** All crimes other than Part I crimes; recorded by local law enforcement officers, arrests for these crimes are tallied quarterly and sent to the FBI for inclusion in the UCR.

**passive speech** A form of expression protected by the First Amendment but not associated with actually speaking words; examples include wearing symbols or protest messages on buttons or signs.

**paternalistic family** A family style wherein the father is the final authority on all family matters and exercises complete control over his wife and children.

**patriarchal** A social system in which men are dominant in family, government, and business matters.

**persistence** The process by which juvenile offenders persist in their delinquent careers rather than aging out of crime.

**petition** Document filed in juvenile court alleging that a juvenile is a delinquent, a status offender, or a dependent and asking that the court assume jurisdiction over the juvenile. Report made by the police or some other agency to the court that initiates the intake process.

**plea bargaining** The exchange of prosecutorial and judicial concessions for a guilty plea by the accused; plea bargaining usually results in a reduced charge or a more lenient sentence.

**pledge system** Early English system in which neighbors protected each other from thieves and warring groups.

**police legitimacy** Refers to the climate where people have trust and confidence in the police, accept police authority and believe officers are fair.

**Poor Laws** English statutes that allowed the courts to appoint overseers over destitute and neglected children, allowing placement of these children as servants in the homes of the affluent.

**positive peer culture (PPC)** Counseling program in which peer leaders encourage other group members to modify their behavior, and peers help reinforce acceptable behaviors.

**posting** A system of positions, facial expressions, and body language used by gang members to convey a message.

**postivists** Those who believe that all genuine knowledge is based on the scientific measurement of natural phenomena using verified and valid techniques and procedures

**power-control theory** Holds that gender differences in the delinquency rate are a function of class differences and economic conditions that influence the structure of family life.

**precocious sexuality** Sexual experimentation in early adolescence.

**predatory crime** Violent crimes against people, and crimes in which an offender attempts to steal an object directly from its holder.

**prestige crimes** Stealing or assaulting someone to gain prestige in the neighborhood; often part of gang initiation rites.

**pretrial conference** The attorney for the social services agency presents an overview of the case, and a plea bargain or negotiated settlement can be agreed to in a consent decree.

**preventive detention** Keeping the accused in custody prior to trial because the accused is suspected of being a danger to the community.

**primary deviance** Norm violations that have very little influence on the actor and can be quickly forgotten and/or overlooked.

**primogeniture** During the Middle Ages, the right of first-born sons to inherit lands and titles, leaving their brothers the option of a military or religious career.

**probable cause** Reasonable grounds to believe that an offense was committed and that the accused committed that offense.

**probation** Nonpunitive, legal disposition for juveniles emphasizing community treatment in which the juvenile is closely supervised by an officer of the court and must adhere to a strict set of rules to avoid incarceration.

**problem behavior syndrome (PBS)** A cluster of anti-social behaviors that may include family dysfunction, substance abuse, smoking, precocious sexuality and early pregnancy, educational underachievement, suicide attempts, sensation seeking, and unemployment, as well as delinquency.

**problem-oriented policing** Law enforcement that focuses on addressing the problems underlying incidents of juvenile delinquency rather than the incidents only.

**procedural justice** Refers to the belief that police must be fair, unbiased, transparent, and impartial to be effective.

**propensity** An innate inclination, preference, or tendency to act in a specific way.

**protective factor** A positive prior factor in an individual's life that decreases the risk of occurrence of a future delinquent act.

**psychodynamic theory** Branch of psychology that holds that the human personality is controlled by unconscious mental processes developed early in childhood.

**psychotherapy** Highly structured counseling in which a skilled therapist helps a juvenile solve conflicts and make a more positive adjustment to society.

**public defender** An attorney who works in a public agency or under private contractual agreement as defense counsel to indigent defendants.

**racial profiling** Police-initiated action directed at a suspect or group of suspects based solely on race.

**racial threat theory** As the size of the black population increases, the perceived threat to the white population increases, resulting in a greater amount of social control imposed against African Americans by police.



**Ralston v. Robinson** This case placed limits on the right to treatment for juvenile offenders.

**randomized experimental design** Considered the “gold standard” of evaluation designs to measure the effect of a program on delinquency or other outcomes. Involves randomly assigning subjects either to receive the program (the experimental group) or not receive it (the control group).

**rational choice theory** Holds that youths will engage in delinquent and criminal behavior after weighing the consequences and benefits of their actions; delinquent behavior is a rational choice made by a motivated offender who perceives that the chances of gain outweigh any possible punishment or loss.

**reaction formation** A psychological reaction that occurs when a person does or says something that is the opposite of what they really want or what is socially expected and appropriate.

**reality therapy** A form of counseling that emphasizes current behavior and that requires the individual to accept responsibility for all of their actions.

**reentry** The process and experience of returning to society upon release from a custody facility postadjudication.

**reflected appraisal** The process in which a person’s awareness of how other people see them becomes the basis for self-perception.

**reform schools** Institutions in which educational and psychological services are used in an effort to improve the conduct of juveniles who are forcibly detained.

**reintegrative shaming** Techniques used to allow offenders to understand and recognize their wrongdoing and shame themselves. Shaming must be brief and controlled, followed by ceremonies of forgiveness, apology, and repentance to be reintegrative.

**representing** Tossing or flashing gang signs in the presence of rivals, often escalating into a verbal or physical confrontation.

**residential programs** Placement of a juvenile offender in a residential, nonsecure facility such as a group home, foster home, family group home, or rural home where the juvenile can be closely monitored and develop close relationships with staff.

**resource dilution** A condition that occurs when parents have such large families that their resources, such as time and money, are spread too thin, causing lack of familial support and control.

**restorative justice** Using humanistic, nonpunitive strategies to right wrongs and restore social harmony.

**retrospective reading** An attempt to explain present misbehavior with behavior from the past.

**review hearings** Periodic meetings to determine whether the conditions of the case plan for an abused child are being met by the parents or guardians of the child.

**right to treatment** Philosophy espoused by many courts that juvenile offenders have a statutory right to treatment while under the jurisdiction of the courts.

**risk factor** A negative prior factor in an individual’s life that increases the risk of occurrence of a future delinquent act.

**role conflicts** police officers face that revolve around the requirement to perform their primary duty of law enforcement and a desire to aid in rehabilitating youthful offenders.

**role diffusion** According to Erik Erikson, role diffusion occurs when people spread themselves too thin, experience personal uncertainty, and place themselves at the mercy of people who promise to give them a sense of identity they cannot develop.

**Roper v. Simmons** Repealed death penalty sentences for all juveniles in the United States.

**routine activities theory** View that crime is a “normal” function of the routine activities of modern living; offenses can be expected if there is a motivated offender and a suitable target that is not protected by capable guardians.

**rural programs** Specific recreational and work opportunities provided for juveniles in a rural setting, such as a forestry camp, a farm, or a ranch.

**Safford Unified School District v. Redding** School searches must be reasonable and, considering the circumstances of the case, not overly intrusive.

**Santa Fe Independent School District, Petitioner v. Jane Doe** Student-led prayers at a school football game are inappropriate and are in violation of the First Amendment separation of church and state.

**Santosky v. Kramer** The U.S. Supreme Court recognized the child’s right to be free from parental abuse and set down guidelines for a termination-of-custody hearing, including the right to legal representation.

**search and seizure** The U.S. Constitution protects citizens from any search and seizure by police without a lawfully obtained search warrant; such warrants are issued when there is probable cause to believe an offense has been committed.

**secondary deviance** Deviant acts that define the actor and create a new identity.

**sedatives** Drugs of the barbiturate family that depress the central nervous system into a sleeplike condition.

**self-control theory** The theory of delinquency that holds that antisocial behavior is caused by a lack of self-control stemming from an impulsive personality.

**self-fulfilling prophecy** Deviant behavior patterns that are a response to an earlier labeling experience; youths act out these social roles even if they were falsely bestowed.

**self-report survey** Questionnaire or survey technique that asks subjects to reveal their own participation in delinquent or criminal acts.

**sentencing circle** A peacemaking technique in which offenders, victims, and other community members are brought together in an effort to formulate a sanction that addresses the needs of all.

**shame** The feeling we get when we don’t meet the standards we have set for ourselves or that significant others have set for us.

**shelter care** A place for temporary care of children in physically unrestricting facilities.

**siege mentality** Residents become so suspicious of authority that they consider the outside world to be the enemy out to destroy the neighborhood.

**situational crime prevention** Crime prevention method that relies on reducing the opportunity to commit criminal acts by (a) making them more difficult to perform, (b) reducing their reward, and (c) increasing their risks.

**skinhead** Member of a white supremacist gang, identified by a shaved skull and Nazi or Ku Klux Klan markings.

**social bond** Ties a person to the institutions and processes of society; elements of the bond include attachment, commitment, involvement, and belief.

**social capital** Positive relations with individuals and institutions, as in a successful marriage or a successful career, that support conventional behavior and inhibit deviant behavior.

**social conflict theory (also called conflict theory)** Asserts that society is in a state of constant internal conflict, and focuses on the role of social and governmental institutions as mechanisms for social control.

**social control** Ability of social institutions to influence human behavior; the justice system is the primary agency of formal social control.

**social control theory** Posits that delinquency results from a weakened commitment to the major social institutions (family, peers, and school); lack of such commitment allows youths to exercise antisocial behavioral choices.

**social disorganization theory** The inability of a community to exert social control allows youths the freedom to engage in illegal behavior.

**social ecologists** Theorists focus on the influence social institutions have on individual behavior and suggest that law-violating behavior is a response to social rather than individual forces operating in an urban environment.

**social investigation report or predisposition report** Developed by the juvenile probation officer, this report consists of a clinical diagnosis of the juvenile and their need for court assistance, relevant environmental and personality factors, and any other information that would assist the court in developing a treatment plan for the juvenile.

**socialization** The process by which human beings learn to adopt the behavior patterns of the community in which they live, which requires them to develop the skills and knowledge necessary to function within their culture and environment.

**social learning theory (psychological)** The view that behavior is modeled through observation, either directly through intimate contact with others or indirectly through media; interactions that are rewarded are copied, whereas those that are punished are avoided.

**social learning theory** Hypothesizes that delinquency is learned through close relationships with others; asserts that children are born good and learn to be bad from others.

**social reaction theory (also called labeling theory)** Posits that society creates deviance through a system of social control agencies that designate (or label) certain individuals as delinquent, thereby stigmatizing youths and encouraging them to accept this negative personal identity.

**social structure theories** Explain delinquency using socioeconomic conditions and cultural values.

**Society for the Prevention of Cruelty to Children** Established in 1874, these organizations protected children subjected to cruelty and neglect at home or at school.

**specific deterrence** Sending convicted offenders to secure incarceration facilities so that punishment is severe enough to convince offenders not to repeat their criminal activity.

**state dependence** The propensity to commit crime profoundly and permanently disrupts normal socialization over the life course.

**status dropout rate** The percentage of an age group that is not enrolled in school and has not earned a high school diploma or equivalent.

**status frustration** A form of culture conflict experienced by lower-class youths because social conditions prevent them from achieving success as defined by the larger society.

**status offense** Conduct that is illegal only because the child is underage.

**status symbol** Something, such as a possession, rank, or activity, by which one's social or economic prestige is measured.

**stigmatize** To mark someone with disgrace or reproach; to characterize or brand someone as disgraceful or disreputable.

**stimulants** Synthetic substances that produce an intense physical reaction by stimulating the central nervous system.

**strain theory** Links delinquency to the strain of being locked out of the economic mainstream, which creates the anger and frustration that lead to delinquent acts.

**stratified society** Grouping society into classes based on the unequal distribution of scarce resources.

**street efficacy** Using one's wits to avoid violent confrontations and to feel safe.

**substance abuse** Using drugs or alcohol in such a way as to cause physical, emotional, and/or psychological harm to yourself.

**subterranean values** The ability of youthful law violators to repress social norms.

**suppression effect** A reduction in the number of arrests per year for youths who have been incarcerated or otherwise punished.

**swaddling** The practice during the Middle Ages of completely wrapping newborns in long bandage-like cloths in order to restrict their movements and make them easier to manage.

**symbolic interaction** Holds that people communicate via symbols—gestures, signs, words, or images—that stand for or represent something else.

**synthetic marijuana** A mixture of chemicals derived from the cannabinoid family.

**target-hardening technique** Crime prevention technique that makes it more difficult for a would-be delinquent to carry out the illegal act—for example, by installing a security device in a home.

**teen courts** that make use of peer juries to decide nonserious delinquency cases.

***Tinker v. Des Moines Independent Community School District*** Students have freedom of speech unless it disrupts the operation of the school.

**totality of the circumstance's doctrine** A method of basing decisions on all available information. The question is, considering all the circumstances of a particular case, what conclusions would a reasonable person make or decide

**tracking** Dividing students into groups according to their ability and achievement levels.

**trait theory** Holds that youths engage in delinquent or criminal behavior due to aberrant physical or psychological traits that govern behavioral choices; delinquent actions are impulsive or instinctual rather than rational choices.

**trajectory theory** The view that there are multiple independent paths to a delinquent career and that there are different types and classes of offenders.

**tranquilizers** Drugs that reduce anxiety and promote relaxation.

**transfer hearing** Preadjudicatory hearing in juvenile court for the purpose of determining whether juvenile court should be retained over a juvenile or waived and the juvenile transferred to adult court for prosecution.

**transfer process** Transfer of a juvenile offender from the jurisdiction of juvenile court to adult criminal court.

**transitional neighborhood** Area undergoing a shift in population and structure, usually from middle-class residential to lower-class mixed use.

**transnational crime** Illegal activity that is carried out across the borders of two or more countries and violates the laws of those countries.

***Troxel v. Granville*** The Supreme Court ruled that the due process clause of the Constitution protects against government interference with certain fundamental rights and liberty interests, including parents' fundamental right to make decisions concerning the care, custody, and control of their children.

**truant** Being out of school without permission.

**turning points** Positive life experiences, such as gaining employment, getting married, or joining the military,

which create informal social control mechanisms that limit delinquent behavior opportunities.

**underclass** Group of urban poor whose members have little chance of upward mobility or improvement.

**Uniform Crime Report (UCR)** Compiled by the FBI, the UCR is the most widely used source of national crime and delinquency statistics.

**victim service restitution** The juvenile offender is required to provide some service directly to the crime victim.

**vulnerability model** Assumes there is a direct link between traits and crime; some people are vulnerable to crime from birth.

**waiver (also known as bindover or removal)** Transferring legal jurisdiction over the most serious and experienced juvenile offenders to the adult court for criminal prosecution.

**watch system** Replaced the pledge system in England; watchmen patrolled urban areas at night to provide protection from harm.

**wayward minors** Early legal designation of youths who violate the law because of their minority status; now referred to as status offenders.

***White v. Illinois*** The Supreme Court ruled that the state's attorney is not required to produce young victims at trial or to demonstrate the reason why they were unavailable to serve as witnesses.

**widening the net** Phenomenon that occurs when programs created to divert youths from the justice system actually involve them more deeply in the official process.

**wilderness probation** Programs involving outdoor expeditions that provide opportunities for juveniles to confront the difficulties of their lives while achieving positive personal satisfaction.

**writ of habeas corpus** Judicial order requesting that a person detaining another person produce the body of the prisoner and give reasons for his or her capture and detention.

**zero tolerance policy** Mandating that action be taken for the slightest infraction of a school or criminal code violation.

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